

Texas Groundwater Protection Committee

Record of Meeting
Fourth Quarter Meeting, Fiscal Year 1997

Meeting Date: August 28, 1997
Place: Building F, TNRCC, Park 35 Meeting No.: 32 Room: 2210

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MEETING ATTENDANCE

Committee Members	Affiliation
Mary Ambrose	TNRCC
Phil Nordstrom	TWDB
Richard Ginn	RCT
Donnie Dippel	TDA
Beade Northcut	TSSWCD
Bruce Lesikar	TAES
Bill Mullican	BEG
John Jacobi	TDH
Bill Couch	TAGD

Guest Speakers

David Duncan, TNRCC, Intergovernmental Relations
James Kowis, TNRCC, Water Policy and Regulations Division
Kelly Mills, TNRCC, Water Quality Division

Agency Staff	Affiliation	Program
Steve Musick	TNRCC	WQUAL/Ground-Water Assessment
Craig Caldwell	TNRCC	WQUAL/Ground-Water Assessment
Bob Burrell	TNRCC	Field Operations Division
Ken May	TNRCC	Water Utilities Division
J.A. Lazarus	TNRCC	Intergovernmental Relations
DeWayne Burns	TDA	

Interested Parties	Affiliation
Denise Rhodes	Consultant, Austin
Rick Lowerre	Henry Lowerre Johnson Hess & Frederick
Jim O'Connor	San Antonio Water System
Ken Kramer	Sierra Club, Lone Star Chapter

COMMITTEE HANDOUTS

1. Meeting Agenda
2. Legislation of Interests to TNRCC, 75th Legislature (TNRCC Pub. No. GI-239)
3. Benefits of Senate Bill 1
4. TGPC Recommendation Analysis, 75th Legislature
5. Amended Ground-Water Data Management Subcommittee Charge
6. Abandoned Well Closure Task Force Packet
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8. EPA Guidance for Future State Ground Water Protection Grants
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10. TNRCC Rules Update

MEETING RECORD OF AUGUST 28, 1997

I. Call to Order and Introductions

Mary Ambrose, TNRCC, Designated Chairman of the Committee, called the meeting to order at 1:09 p.m. The representative from the Texas Department of Health (TDH) was absent when the meeting was called to order but arrived shortly thereafter. A copy of the meeting's agenda was provided as Handout #1. The Chairman moved the presentations to Item II on the agenda in respect for scheduling conflicts with certain presenters. All members were present.

II. Presentations

Legislative Highlights, 75th Session -- David Duncan, TNRCC, Intergovernmental Relations

Mr. Duncan provided Handout #2, Legislation of Interest to TNRCC, 75th Legislature (TNRCC Publication Number GI-239, August 1997). The publication cross-references and provides brief descriptions for Senate and House legislation (of interest to the TNRCC) enacted by the 75th Legislature. Mr. Duncan highlighted five bills.

House Bill 1228, Consolidated Permit Process, relates to consolidated permit processing by the TNRCC. The bill allows the TNRCC to establish consolidated permit processes if more than one permit for a plant, facility, or site is required and the applicant makes a request that the multi-media permit applications be consolidated.

Senate Bill 1591, Regulatory Flexibility, relates to the authority of the TNRCC regarding pollution control or abatement flexibility. The bill allows the Commission to issue an order exempting an applicant from a statutory or regulatory requirement if the applicant proposes an alternative method for controlling or abating pollution that is at least as protective as the statute or rule requires and is not inconsistent with federal law. Mr. Duncan noted that TNRCC Chairman McBee had requested the Attorney General's opinion on statutory flexibility.

House Bill 1190, Water Quality in Watersheds, relates to monitoring of water quality in

watersheds and river basins. The bill reauthorizes the TNRCC to assess fees to fund the Clean Rivers Program (previously sunsetted after August 31, 1998), and requires the TNRCC to establish rules for river authorities participating in the Clean Rivers Program. The bill amends .26.177, Water Code, Water Pollution Control Duties of Cities. The bill modifies a previous requirement that cities establish a water pollution control and abatement program, to make the requirement apply only to cities with a population of greater than 10,000, where pollution impacts from nonpermitted sources have been identified through the Clean Rivers Program assessments or other TNRCC assessments or studies.

House Bill 3059, On-Site Sewage Facility Regulation, relates to the regulation of on-site sewage disposal facilities. The bill gives counties additional on-site sewage authority by allowing authorized agents to bring civil suit for violations.

Senate Bill 1955, TNRCC Licensing Programs, relates to the transfer of certain occupational certification and licensing programs administered by the TNRCC. The bill transfers the water well drillers' and pump installers' certification program from the TNRCC to the Texas Department of Licensing and Regulation (TDLR). Mr. Nordstrom asked where drillers' logs will be required to be submitted. The Chairman noted the bill calls for drillers' logs to be submitted to both TNRCC and TDLR; however, a memorandum-of-understanding between the two agencies was currently under development to have the drillers' logs sent to TDLR and ultimate filed with TNRCC.

Mr. Duncan noted the TNRCC's appropriations were consistent with past sessions. He noted a FTE (full-time employee) reduction had been called for, reducing the number of FTE at the agency to 2,973. Mr. Musick asked about legislation affecting the uranium mining permitting program. Mr. Duncan responded that Senate Bill 1857 transfers from the TNRCC to the Texas Department of Health, the jurisdiction to regulate the recovery and processing of uranium and thorium and the disposal of uranium byproduct.

Benefits of Senate Bill 1 -- James Kowis, TNRCC, Water Policy and Regulations Division

Mr. Kowis provided Handout #3, Benefits of Senate Bill 1. Mr. Kowis noted that Senate Bill 1 (SB 1) was a massive water bill which covered numerous articles and areas. He provided a brief highlight of sections of SB 1 which affect groundwater.

SB 1 now requires the TNRCC to consider the effects on groundwater and groundwater recharge when considering surface water rights applications. This requirement protects groundwater resources from being depleted by proposed upstream surface water diversions and promotes conjunctive management of both surface and groundwater.

SB 1 addressed several groundwater management issues and identified groundwater conservation districts (GWCDs) as the state's preferred method of management. Mr. Kowis noted that SB 1 addressed the TNRCC's and the TGPC's recommendations on simplifying the critical area process, now referred to as the priority groundwater management area (PGMA) process. The PGMA process now requires the TWDB and TNRCC to consider a 25-year planning period in their studies as opposed to a 20-year period. SB 1 melded the rulemaking (to

designate the area) and evidentiary hearing proceedings (to create GWCDs) in the old process into a single evidentiary hearing proceeding (to designate the area and create districts) in the new PGMA process. This change avoids duplicative hearings and procedures, and should reduce the time to create a district in a PGMA.

The PGMA process was "simplified" by changing designation of PGMA to a Commission order (instead of a Commission rule and order) and by extending the timeline of study from 210 to 240 days. Additional changes made to the process by SB 1 included: providing notice soliciting comments prior to conducting PGMA studies to county governments, adjacent GWCDs, river authorities, and public water suppliers in the study areas; requesting and considering study information provided by the Texas Parks and Wildlife Department; and, requesting and conducting a Texas Agricultural Extension Service educational program (to be developed) in areas immediately following a PGMA designation.

Mr. Kowis noted that SB 1 requires a joint legislative report, prepared by the TNRCC and the TWDB. This joint agency legislative report replaced a similar legislative report prepared alone by the TNRCC previously. The report is required to provide the status of all GWCDs created after 1985, and to provide recommendations on what should be done in PGMA where an election has failed to create a local district. The report will provide the legislature with information for deciding how to manage groundwater supplies, if local elections to create districts fail.

Management planning actions by GWCDs were also significantly changed by SB 1. SB 1 provided timelines for the existing and future GWCDs to submit district management plans to the TWDB for certification. District management plans were not required to be certified previously. Existing GWCDs must submit management plans for certification by the TWDB by September 1, 1998. This change assures that all GWCDs will timely develop a management plan, in conjunction with the groundwater users of the district, to identify, address, and resolve groundwater supply issues and problems. The change also describes the district management planning process. SB 1 further provided that the TNRCC will take action against districts which do not have management plans certified by the TWDB, up to and including dissolution. SB 1 also makes district management plans subject to review, one year after certification, by the State Auditor's office.

Mr. Kowis noted that SB 1 authorized GWCDs to require permits for transferring groundwater out of a district. This authority provides GWCDs with the ability to limit groundwater transfers out of the district if necessary for proper management of the groundwater resource. GWCDs may limit transfers, if warranted, based on: availability of water in the district and receiving area, availability of alternative water supplies by the applicant, projected effect of the transfer in the district, and approved regional water plan and certified district management plan.

Mr. Musick asked about the SB 1 provision allowing certain authority to counties. Mr. Kowis responded that SB 1 allows county commissioners courts, in a designated PGMA, to adopt minimum water availability requirements. This allows the commissioners court to provide for minimum water supplies to be available for new developments in the PGMA. Mr. Kowis noted that he had already fielded inquiries about this provision from Blanco and Hays Counties, both

located in the Central Texas PGMA.

Mr. Kowis noted the TNRCC was moving on four rule-packages to implement SB 1. He noted the rule-package addressing groundwater management and water rights issues should be proposed for comments around May, 1998. The other rule-packages regard increased enforcement authority, administrative penalties, and field citations; agency flexibility in setting water rates; and, water rates and water utility functions.

Mr. Musick asked about new agencies being brought into the PGMA process. Mr. Kowis replied that SB 1 requires the TNRCC to now request a study from the Texas Parks and Wildlife Department (TPWD) and address TPWD's findings in the TNRCC's final report. SB 1 also requires the TNRCC to provide a notice soliciting comments to county governments, adjacent GWCDs, and public drinking water suppliers within PGMA study areas. The TNRCC is required to address any comments received. SB 1 also established an educational effort in designated PGMAs, administered by the Texas Agricultural Extension Service (TAEX). The education effort is intended to inform residents in proposed districts on the status of groundwater resources and their management options.

Mr. Mullican (BEG) noted that four areas have been designated as PGMAs and asked if any new areas were being considered. Mr. Kowis responded that SB 1 requires the TNRCC to complete efforts on pending PGMA designations by September 1, 1998. Mr. Musick noted TNRCC efforts were pending on the North Texas Alluvium and Paleozoic Outcrops Study Area and that a final Commission decision is pending on the El Paso County Study Area. He also noted that continued monitoring was requested in five previous study areas. Mr. Musick provided that these issues would be decided at the annual PGMA meeting between the TNRCC and TWDB. Mr. Mullican asked Mr. Kowis if there seemed to be an "achilles heel" to SB 1. Mr. Kowis replied the statute appeared strong; however, the application of the statute, and challenges to specific language may be expected.

Ken May, TNRCC, asked Mr. Kowis if GWCD powers were enhanced by SB 1 to protect water quality. Mr. Kowis replied that, in general, SB 1 did provide some clarifications to GWCDs previously authorized powers; the powers were not enhanced but a GWCD's use of the powers may be more focused.

Mr. Musick asked about the SB 1 interim committee and public hearings. Mr. Kowis responded that an Interim Committee, probably composed of the House and Senate Conference Committee representatives, will have two functions: to track the implementation of SB 1 and to identify the state's long-term needs with respect to water supply and infrastructure. The Interim Committee is having an organizational meeting on September 17, 1997, in Austin, and will be conducting public hearings across the state.

Mr. Lesikar (TAES) asked about water reuse issues in SB 1. Mr. Kowis noted SB 1 provides clear statutory guidance for the authorization to reuse water. The clear guidance was necessary to avoid unnecessary litigation. The balanced approach promotes reuse while also providing protection to downstream water rights. The final provision in the bill was worked out among the affected stakeholders.

TGPC Recommendation Analysis, 75th Legislature -- Kelly Mills, TNRCC, Water Quality Division

Mr. Mills provided Handout #4, TGPC Recommendation Analysis, 75th Legislature. Mr. Mills reported that the legislature had addressed five of the recommendations in the TGPC's legislative report in some form or fashion. Two recommendations were not addressed. The funding for pesticide-specific state management plan recommendation was not addressed. Mr. Mills deferred to Mr. Dippel, (TDA), who indicated that the legislature would not take any action until EPA had a final rule. In addition, Mr. Mills noted the recommendation to provide regional wastewater authority to GWCDs was not addressed. The TNRCC did not track any attempts to make this amendment to Chapter 36, Water Code, Groundwater Conservation Districts, during the 75th Session. The TNRCC did, however, track several pieces of legislation to amend the Barton Springs/Edwards Aquifer Conservation District's (BS/EACD) enabling legislation. These bills would have, among other things, provided the BS/EACD with regional wastewater authority; however, none of the bills passed.

SB 1 adequately addressed the TGPC recommendation for statewide and regional drought response planning by amending Chapter 16, Water Code. SB 1 requires both statewide and regional water plans that provide for the orderly development, management, and conservation of water resources and preparation for and response to drought conditions.

SB 1 also added some clarifications to .36.117, Water Code, as suggested by the TGPC; however, the legislature did not pick-up the full suite of TGPC recommendations. The exemption level of 25,000 gallons per day was not lowered, as suggested by the TGPC. As originally proposed, SB 1 would have allowed GWCDs to set exemption levels locally, as alternatively suggested by the TGPC; however, this language did not survive as SB 1 was enrolled. The TGPC's recommendation to make the Railroad Commission of Texas (RCT) permitted activity exemption valid only for short-time water-supply wells, properly plugged and abandoned when RCT permitted drilling activities completed, was not addressed. The TGPC's recommendations that if a well is constructed with the intent to retain it as a water supply well following the RCT permitted activity, the well should be permitted by the district prior to drilling and should not be allowed an exemption was partially addressed. The Legislature responded by requiring all exempted water wells to be registered with a district prior to drilling. The TGPC's recommendation that the RCT exemption should be valid only for rig-supply wells supporting mineral exploration or production development occurring on the same property was also partially addressed. The Legislature responded by requiring that water supply wells for hydrocarbon production activities drilled after September 1, 1997 must meet the spacing requirements of the district unless no space is available within 300 feet of the production well or the central injection station.

The TGPC's recommendation for critical area simplification was also addressed in SB 1. As previously discussed, SB 1 altered the old critical area process into the new PGMA process. Designation will now be conducted by Commission order instead of a Commission rule and order. The timeline of PGMA study was extended from 210 to 240 days.

Appropriations to TNRCC and TWDB, to implement SB 1, address the TGPC's critical area

funding recommendation. Two FTEs, out of a total of 22 FTEs for the agency to implement SB 1, are earmarked to conduct the TNRCC's PGMA activities.

SB 1955 partially addressed the TGPC's recommendation for mandatory continuing education for drillers and pump installers. SB 1955 transfers the water well drillers and pump installers certification program from the TNRCC to the Texas Department of Licensing and Regulation (TDLR). SB 1955 allows that participation in continuing education is voluntary; however, the Texas Water Well Drillers Advisory Council may determine the TDLR should require participation.

II Subcommittee Reports

Agricultural Chemicals Subcommittee

Mr. Musick, TNRCC, Chairman of the subcommittee, presented the subcommittee's report. The subcommittee held its FY97 fourth quarter meeting at 10:00 a.m. on August 28, 1997. The members were provided updates by the Site Selection, Education, Atrazine BMP, Management Plan, and Data Evaluation and Interpretation task forces. The Site Selection task force reported that modification of the TNRCC's Quality Assurance Project Plan was currently underway for the next year's monitoring effort. A draft has been prepared and is under internal review. The QA document should be ready for submission to EPA in September.

The Management Plan task force reported that the development of a draft response to EPA's comments on the Texas Generic SMP was complete. Task force representatives met with EPA Region 6 to discuss issues and the adequacy of the response submittal. The subcommittee discussed the individual recommendations for response. The response to EPA was approved as proposed by the Task Force with the agreed changes from the EPA meeting as discussed. Mr. Musick noted this issue was to be discussed later in the meeting, under Agenda Item V.

The subcommittee heard a report on the Data Evaluation and Interpretation task force evaluation and recommendations for changes to future monitoring efforts for atrazine. Members discussed the individual recommendations and concluded that modifications to next year's monitoring plan were needed. The Site Selection task force was charged with targeting geographic areas with preliminary vulnerability assessment and evaluating the availability of wells in the targeted areas and identifying alternative monitor well installation techniques.

The subcommittee was also briefed on the status of TDA's investigation of atrazine detection in the City of Marlin's drinking water reservoir. TDA's initial information indicates that runoff from field application is not the likely source of the atrazine concentrations detected.

Ground-Water Data Management Subcommittee

Mr. Musick reported that TNRCC staff had met with the subcommittee's chairman, George Ozuna, USGS, to discuss the subcommittee charge. Mr. Musick noted it was agreed at the meeting that the subcommittee's expected deliverables and results needed to be more clearly identified. He provided Handout #5, an amended version of the subcommittee's approved charge.

He noted two deliverables were identified: a report to the TGPC evaluating current and previous groundwater monitoring and assessment procedures and methodologies; and, a five-year strategy for groundwater monitoring and assessment of data. He also noted the identification of gaps in groundwater monitoring and gaps in groundwater assessment processes had been added for evaluation. Mr. Musick noted that it was time to bring the subcommittee together. The Chairman asked the members to provide names for subcommittee members when approached by Mr. Musick or Mr. Ozuna.

Ground-Water Nonpoint Source Workgroup

Mr. Musick reported the NPS Assessment Report and NPS Management Plan updates had been prepared by the TNRCC, reviewed by the Texas State Soil and Water Conservation Board (TSSWCB), and submitted to EPA. The TGPC will be provided a status update on EPA comments, if any, at the next meeting. Mr. Musick noted the Assessment Report is applicable statewide, while the Management Plan was applicable only to the TNRCC. The Soil Board develops and maintains the NPS Management Plan for agriculture and silvaculture.

The Chairman shared with the TGPC that Margaret Hart, Chairman of the NPS subcommittee, had passed away on August 23, 1997, after a lengthy battle with leukemia. A memorial service for Ms. Hart will be held on August 30, 1997, at 8:45 a.m. at the Umlauf Sculpture Gardens, adjacent to Zilker Park.

Water Well Closure Task Force

Mr. Mills presented the task force's report. Mr. Mills provided Handout #6, an Abandoned Well Closure Task Force packet. The packet contained: the task force's third meeting notes, the draft working bibliography, a timeline of task force accomplishments and goals, and a copy of the task force's final draft of technical guidance document Plugging Abandoned Water Wells.

The task force held its third meeting on August 14, 1997. The Guidelines Development Workgroup completed its goal of producing the technical guidance document Plugging Abandoned Water Wells and its deliverable has been met. The Bibliography Workgroup completed its goal of compiling the working bibliography and its deliverable has been completed. Updates to the working bibliography should be provided to Ken May, TNRCC.

The task force merged the Funding Resources Subgroup into the Education, Resource, and Dissemination (EDR) Workgroup. The short-term goals of the ERD Workgroup will be to: finalize cost-share research and research into funding for the production of educational materials; prepare a grant proposal (work plan, milestone schedule, budget proposal); and, develop an information dissemination plan. The next effort of the task force will be a joint meeting between TNRCC, TAES, & TSSWCB task force members to address these issues.

Mr. Mills presented the task force's final guidance document, Plugging Abandoned Water Wells, to the TGPC for review and requested comments from the members by September 30, 1997. Mr. Mills noted that comments would be addressed and the task force would bring the technical guidance document back to the TGPC for action at the next meeting.

III. Business

TGPC Homepage

The Chairman called on Craig Caldwell, TNRCC, to present this agenda item. Mr. Caldwell provided Handout #7, a printout of several of pages of the proposed TGPC Homepage. The Homepage contains a brief TGPC mission statement and lists the member agencies and related subject fields. Each agency is hypertexted and hot linked to that agency's Homepage. Information on the next TGPC meeting is also hypertexted on the Homepage. Subject fields are hypertexted for the following: general information, subcommittees, records of meetings, groundwater classification system, TGPC rules, and TGPC publications.

Mr. Caldwell noted there were two issues which need to be resolved. The first issue concerns an appropriate logo for the TGPC. A state seal has been primarily used to date, and is used in the majority of the developed TGPC Homepage. Two alternate logos have also been developed. The alternate logos appear on the records of meetings page and the groundwater classification system page. Mr. Caldwell noted he was waiting on new software which would aid in logo design. Mr. Mullican suggested using the TWDB's Major Aquifer Map as a logo. The Chairman asked the members to consider this issue and contact Mr. Caldwell with any suggestions.

The second issues involves the appropriate domain of the TGPC's Homepage. Mr. Musick noted that the Homepage was currently going through the TNRCC internal process to load to the TNRCC's server. He noted that the reviewers have opposed the use of the state seal as a TGPC logo and insisted the TGPC Homepage must conform to all other pages hosted on the TNRCC server. He noted that if the TGPC wanted a unique Homepage it probably will need to go outside of the TNRCC and secure its own domain. The Chairman added that she had been informed that if the TGPC Homepage was loaded on the TNRCC's server, it must conform to TNRCC website policy and include TNRCC information on each page. Mr. Nordstrom noted that it may be appropriate to load the TGPC Homepage on the Texas Natural Resource Information System (TNRIS) Homepage. If the Homepage was loaded on the TNRIS server, it would not be buried as in the TNRCC Homepage. Mr. Nordstrom said he would look into this option.

Mr. Musick noted that the TGPC Homepage, as developed, could be loaded on the TNRCC's Homepage within a few weeks. Mr. Dippel motioned that the TGPC Homepage be loaded to the TNRCC's server, with the understanding that the TWDB research the opportunity to load the Homepage to the TNRIS server in the near future. The motion was seconded. A vote was taken and the motion passed.

Texas Comprehensive State Ground Water Protection Program -- Outline and Concept for Revision

Mr. Musick provided Handout #8, EPA memorandum -- Guidance for Future State Ground Water Protection Grants. Mr. Musick noted the following. SDWA 1996 amendments, which primarily address source water protection, included provisions addressing grants under SDWA Section 1429. Such grants would be available for developing or implementing CSGWPP.

However, this section was not funded in the federal budget.

EPA developed guidance for this section despite lack of funding. The guidance, while primarily directed at CSGWPP requirements to get the funding, also addressed streamlining of the CSGWPP review and approval process.

The guidance was released early in August. TNRCC staff decided to await the guidance and review the procedures prior to presenting an action proposal to the TGPC. Such a proposal addressing EPA comments and the new procedure for Texas Core Programs Assessment will be scheduled for the next meeting.

Agricultural Chemicals Subcommittee Response to EPA Region VI -- Texas Generic State Management Plan Comments

Mr. Musick provided Handout #9, Response to Comments by EPA Region VI on Texas Generic SMP. Mr. Musick noted the handout, prepared by the Agricultural Chemicals Subcommittee, addressed EPA's comments. The subcommittee met with EPA Region VI on August 19, 1997 to discuss their comments on the generic SMP. The subcommittee reviewed, amended, and approved the response on August 27, 1997.

Mr. Musick called the members attention to significant amendments approved by the subcommittee. On page 6 of the response (page 61 of the generic SMP), EPA's comment was that the SMP submittal must be in alignment with FIFRA considering cost/benefit consideration. The subcommittee amended the response to insert clarifying language. On page 5 of the response (page 47 of the generic SMP), EPA's comment regarded a matter of clarification. The roles of federal agencies was not addressed. The subcommittee responded promising to add a subsection to address this comment. EPA's comment on page 2 of the response addressed the generic SMP response to contamination above MCLs/HALs. The subcommittee provided an amendment in the response to allow flexibility to address sources.

After discussion, the TGPC also made several other minor amendments to language. Mr. Musick said the subcommittee was seeking approval to submit the response to EPA Region VI. A motion was made to amend the response as approved by the subcommittee and the full TGPC and submit it to EPA Region VI. The motion was seconded. A vote was taken and the motion passed. Mr. Musick thanked the TGPC, noted that the generic SMP would be amended if EPA Region VI concurs, and reported the subcommittee would bring the issue back to the TGPC if EPA Region VI identifies any other issues.

Set Future Meeting Dates

After discussion, the Committee set the FY98 First Quarter meeting for November 20, 1997 at 1:00 p.m.

V. Information Exchange for Ground Water Related Activities/Status Update

APCO Update

The Chair called on Mr. Dippel to present an update from APCO on the SMP rule. Mr. Dippel reported on the highlights from what the committee was working on. Draft EPA SMP rules were discussed at the meeting. EPA is still going with the listed pesticides, however, cyanazine will be dropped as it is being phased out by the manufacturer. All SMP products will be classified as restricted use products (but this is not set in stone yet). Surface water will not be included in the SMP. The committee is looking at the 12 pesticide specific components to see if they are all needed. The workgroup feels the four basic components (monitoring, basis for assessment, response to detection, and prevention) were the only ones that would require specific information; the rest of the components could be referred to the generic SMP.

The approval of plans was discussed. They did not want to have every agency sign-off for approval of the entire plan; each agency would only sign-off on what the agency agreed to be responsible for. Currently they are looking at 33 months time for the rule/SMPs to be in place; they are looking at expanding this period. No dates are solid yet. They are also looking at the timetable for the label changes for the manufacturers for nine months; however, they are also looking to extend this period.

Other issues include funding flexibility; an appeals process if the region and the states cannot come to agreement on the plans; an appeal process to headquarters. Third party appeals/third party SMPs will not be allowed (if allowed, who is going to enforce it?). No default plans will be allowed.

Monitoring design was a big topic of discussion; however, not much was answered. A greater effort and strain is placed on the larger states. This is still being looked at very closely.

Mr. Musick added that tribes will not be subject to the SMP process at this point in time. An informal release of draft rules is under consideration for October when it goes to OMB. Possible timeframe is having a final rule in January, kicking off the standard timeframe. They are already looking at two more pesticides (acetomil and benozone), and possibly acetachlor for listing.

Committee Publications: Joint Groundwater Monitoring and Contamination Report

Mr. Mills reported the Joint Groundwater Monitoring and Contamination Report - 1996 was returned from the printshop on August 5, 1997, forwarded to Legislative Library on August 7, 1997, and distributed to TGPC mailing list and the GWCDs on August 13, 1997, thus completing the TGPCs statutory mandate. He provided two extra copies to each member and noted more were available to the members if needed.

Mr. Mills gave a brief overview of the report's monitoring and contamination findings in 1996. Data from the monitoring questionnaires estimated that 37,600 monitor and water wells were being used for groundwater monitoring purposes at over 8,400 regulated facilities. In addition, data from the monitoring questionnaires estimated that the TWDB and GWCDs utilized approximately 1,900 wells for ambient water quality monitoring.

In 1996, 6,427 groundwater contamination cases were listed, as compared to 5,849 in 1995. In 1996, 992 new contamination cases were listed, as compared to 421 in 1995. Of the 992 new

contamination cases in 1996, 847 were in the Petroleum Storage Tank (PST) program. Action was completed on 493 cases in 1996, as compared to 371 in 1995. Of the 493 cases where action was completed, 348 were in the PST program. PST cases continue to dominate the report, accounting for 85.7% of the total cases listed in 1996. The TNRCC had jurisdiction over 98.7% of the listed cases in 1996.

Mr. Musick noted the TNRCC was currently completing the task to supply the report to county judges and health officials as a secondary notification under .5.236, Water Code.

VI. Announcements

The Chairman provided Handout #10 (TNRCC Rules Tracking Log) and gave a brief description on how to use the handout. She noted the Risk-Reduction Rules were still be compiled by the TNRCC. She also made the following announcements.

The Groundwater Foundation's 13th Annual Fall Symposium, Groundwater Protection -- Tools For A New Era, would be held in San Francisco, California, on September 3 and 4, 1997.

A Karst-Water Symposium and Workshop will be held in Roanoke, Virginia, on October 30 and 31, 1997.

The Ground Water Protection Council's 1997 Annual Forum will be held September 20 - 24, 1997 in Cleveland, Ohio.

The National Water Research Institute (NWRI) in cooperation with EPA and the USGS will convene the Source Water Protection International 98 Conference to focus on wellhead and source water protection. The Chairman announced the NWRI's call for papers. The technical conference will be held in Dallas, Texas, April 28 - 30, 1998.

Advanced Topics in Environmental Impact Assessment, a three-day course focused on emerging topics, is being offered in Dallas, Texas, from November 5 - 7, 1997.

Mr. Nordstrom offered that at the next TGPC meeting, the TWDB should present its efforts in implementing SB 1. Mr. Nordstrom noted SB 1 is allowing the TWDB's monitoring group to supply real-time water level data recorders to cooperators. The data will be available on the USGS's Homepage. He also noted SB 1 will provide water quality sampling equipment and training to TWDB cooperators. Mr. Nordstrom announced four new TWDB publications as follows: Hydrologic Atlas No. 7 -- Areas Experiencing Significant Ground-Water Declines, 1985-1995; Hydrologic Atlas No. 6 -- Water Quality in the Queen City Aquifer; Hydrologic Atlas No. 5 -- Water Quality in the Sparta Aquifer; and, Hydrologic Atlas No. 4 -- Water Quality in the Woodbine Aquifer.

Mr. Lesikar announced the upcoming training course On-site Wastewater Treatment Workshop: Constructed Wetland Systems. The course is scheduled for September 10, 1997, at the Texas A&M Research and Extension Center in Stephenville, Texas.

Mr. Dippel announced new TDA rules relating to recent legislation consolidating herbicide and pesticide laws should appear in the September 5, 1997, Texas Register. Hearings should be held in late September.

Mr. Musick announced the EPA Region VI's Annual Ground Water Managers Conference in Glorieta, New Mexico, on September 17 and 18, 1997.

Mr. Mills reminded the members to please review the Abandoned Well Closure Task Force's draft technical guidance document and to provide comments by September 30, 1997.

VII. Public Comment

None.

VIII. Adjourn

The Chair adjourned the meeting at 3:10 p.m.

Prepared by: Steve Musick