

Texas Groundwater Protection Committee

Record of Meeting
Third Quarter Meeting,
Fiscal Year 1998

Meeting Date: May 21, 1998
Place: Building F, TNRCC, Park 35 Room: 2210
Meeting No.: 35

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MEETING ATTENDANCE

Committee Members	Affiliation
Mary Ambrose	TNRCC
Phil Nordstrom	TWDB
Richard Ginn	RCT
Donnie Dippel	TDA
Beade Northcut	TSSWCB
Wayne Jordan	TAES
Robin Nava	BEG
Bill Couch	TAGD
John Jacobi	TDH

Speakers

Bill Mullican, Director, Water Resource Planning Division, TWDB

Agency Staff	Affiliation	Program
Steve Musick	TNRCC	Water Quality Division
Kelly Mills	TNRCC	Water Quality Division
Craig Caldwell	TNRCC	Water Quality Division
Jeanette O'Hare	TDA	
Lee Parham	TDLR	

Interested Parties	Affiliation
Rick Lowerre	Henry, Lowerre, Johnson, Hess & Frederick
Jim O'Connor	San Antonio Water System
Denise Rhodes	Consultant
Julia Marsden	League of Women Voters
Rebecca Retz	Harris County
Jim Musick	Edwards Aquifer Authority
Jan Klein	Edwards Aquifer Authority

Jace Houston
Robert Stewart

Harris-Galveston Coastal Subsidence District
Texas Rural Water Association

COMMITTEE HANDOUTS

1. Meeting Agenda
2. Agricultural Chemicals Subcommittee Report
3. May 4, 1998 Abandoned Well Closure Task Force Meeting Notes; Draft Presentation Agenda
4. Draft TGPC Rules Package
5. Legislative Report Subcommittee Charge
6. Senate Bill 1 - New Directions in State Water Planning (Presentation Handout)
7. Draft Executive Summary; Joint Groundwater Monitoring and Contamination Report - 1997
8. TNRCC Rules Tracking Log
9. Texas Alliance of Groundwater Districts Officers - May 1998

MEETING RECORD OF MAY 21, 1998

I. Call to Order and Introductions

Mary Ambrose, TNRCC, Designated Chairman of the TGPC, called the meeting to order at 1:06 p.m. Ms. Robin Nava sat in for Alan Dutton and the Bureau of Economic Geology. All member agencies were represented. A meeting agenda was provided as Handout #1.

II. Subcommittee Reports

Agricultural Chemicals Subcommittee

Steve Musick, TNRCC, Chairman of the subcommittee, presented the subcommittee's report (Handout #2). The subcommittee held its FY98 third quarter meeting on May 21, 1998. The subcommittee heard reports from the Site Selection and SMP Task Forces. The BMP, Education and DEI were not active in the last quarter.

The Site Selection Task Force (SSTF) reported that: 1) wells were available that met depth requirements for sampling in Hidalgo and Bailey counties; 2) the Atrazine QAPP had been submitted to EPA but had not been approved to date; and 3) the TNRCC staff now had training and capability to use driven well point technology for Atrazine.

The subcommittee continued its discussion of this year's Atrazine monitoring efforts based on the report of the SSTF. The SSTF noted that more site specific wells identified in these two counties are targeted for additional fieldwork this summer.

Dr. Jordan (TAES) raised the issue of availability of accurate Atrazine use data to guide these sampling efforts. He noted concerns about the specificity of data used in the SPIM method on which the targeting of areas is based. There was discussion of this issue and the lack of availability of better quality data. Dr. Jordan proposed to the subcommittee the development of a proposal outlining an Atrazine use data collection project for submittal to funding agencies such

as EPA.

This proposal was approved and an ad hoc task force was formed with Dr. Jordan as the Chair. Dr. Jordan asked Mr. Musick to explain what had delayed the Atrazine QAPP this year and how it was different from the previous year.

Mr. Musick stated that this year's QAPP allowed the investigation of other pesticide complaints beside Atrazine and also allowed the use of driven point methodologies and procedures. Most of the stumbling blocks have been in the TNRCC's approval process.

Data Management

Mr. Musick reported that the subcommittee had not been organized to date, based primarily on resource issues. He noted that the subcommittee should have something to report at the next TGPC meeting.

Nonpoint Source

Beade Northcut, TSSWCB, Chairman of the subcommittee, presented the subcommittee's report. He noted that the TNRCC's revised management plan had been submitted and that the TSSWCB was working on its portion of the report. EPA has requested the state submit only one document. The TSSWCB and TNRCC are currently working on the development of a single document.

Mr. Northcut noted that the TSSWCB's 503 program identified that 74 districts and 380 individual water quality management plans were developed last year. The TSSWCB anticipates that over 600 individual water quality management plans will be developed under the 503 program this year.

Water Well Closure

Craig Caldwell, TNRCC, presented the task force report (Handout #3). A task force meeting was held on May 4, 1998. Task Force representatives will make a presentation to TSSWCB field staff on May 22, 1998. Beade Northcut, TSSWCB and Alan Colwick, NRCS, will introduce the education effort (possibly showing the NRCS well closure video), Lee Parham will discuss the Texas Department of Licensing and Regulation rules, legal issues, and cost sharing; John Ashworth will discuss groundwater contamination issues; and Craig Caldwell will discuss the TGPC role. A meeting of Texas State Soil and Water Conservation Board and Texas Agriculture Extension Service (TAEX) field staff will be held the week of July 6-10. Representatives from the task force will provide a similar presentation.

The task force will develop an education package, present the task force's efforts to regional education coordinators, get feedback from the coordinators, and tweak and finalize the educational package. Educational agencies will then notify and provide packages to regional coordinators and county level educational staff and encourage county level educators to utilize the package in their programs. The task force will continue to update the educational package. The package could include a video, the "Landowner's Guide to Plugging Abandoned Water

Wells" (Guide), a general information pamphlet, and a hand dug well pamphlet. Presentations could be made at "Farm Days" emphasizing hand dug wells, which could be videotaped. A presentation rate of once per quarter is suggested.

Closure cost estimates will be addressed. Educational tri-fold brochures distributed by the task force should address the cost and cost-effectiveness of well closure, and discuss owner closure of hand dug and large diameter water wells. Information on cost sharing could be emphasized to the public with respect to expertise, labor, and materials.

A grant proposal may be prepared for possible funding of four field day demonstrations, and filming an updated video. A grant application could be made proposing field day demonstrations focusing on closing four hand dug wells, hiring a driller and making a videotape, for \$35,000. Suggested sites were Rising Star and sites in West Texas.

Following the subcommittee reports, Ms. Ambrose moved into Item IV as the presenter was not available.

IV. Business Review and Approval to Publish Amended Committee Rules

Ms. Ambrose noted the General Appropriations Act, 75th Legislature, 1997, requires state agencies to review and consider for re-adoption rules adopted under the Administrative Procedures Act. The review must assess and determine if the need for the rules continues to exist. Rules 31 TAC 601.1-601.5 adopted by the TGPC in 1991 are subject to this requirement for review and re-adoption. TNRCC staff has reviewed the TGPC's rules and prepared a draft rule proposal for publication and re-adoption.

She noted the proposed rules included revisions to make conforming changes, primarily naming the current members of the TGPC and tightening the rules to conform more closely with the statute. She noted Handout #4, the draft TGPC rules package, which was previously distributed to the members, and opened the floor for discussion.

The members provided some minor amendments. John Jacob, TDH, moved to make the minor changes discussed and propose the rules in the Texas Register. Richard Ginn, RCT, seconded the motion. The motion passed by a unanimous voice vote. Ms. Ambrose noted the rules be submitted to the Texas Register on June 1. The rules should be published in the June 13, 1998 Texas Register. The comment period on the rules should end on July 13, 1998. This schedule should allow adequate time for staff review of any comments and for the final rule to be presented to the TGPC at its next meeting for adoption within the Texas Register 180 day rule adoption period.

Texas Comprehensive State Ground Water Protection Program Mr. Musick noted there was no new information to be provided to the TGPC at this time. TNRCC staff are continuing on the draft core program assessment. He noted the TNRCC planned to have the draft core assessment prepared for the TGPC's consideration at the fourth quarter meeting.

Legislative Report

Ms. Ambrose noted the TGPC was required to submit a biennial report to the legislature. She noted the TGPC needed to reestablish the Legislative Report Subcommittee and called the members attention to the subcommittee's updated draft subcommittee charge (Handout #5). The members were then asked to appoint agency representatives to the subcommittee. Ms. Ambrose noted that she will serve as the Chairman of the subcommittee and Kelly Mills, TNRCC will provide support to the subcommittee. The following appointments were then made:

TSSWCB - Beade Northcut, TDH - John Jacobi, TAGD - Bill Couch/Mike Mahoney, RCT - Richard Ginn, BEG - Alan Dutton, TAES - Wayne Jordan, tentatively TWDB - representative will be appointed by Brian Sledge; reported back by Phil Nordstrom TDA - John Sneed

Ms. Ambrose noted the subcommittee's initial meeting was tentatively scheduled during the second week of June. The subcommittee is charged to deliver a draft report and recommendations to the next meeting of the TGPC. She noted a round of calls would be made to the subcommittee members to schedule the initial meeting. Mr. Musick noted the side-by-side analysis of the TGPC's recommendations to the 75th Legislature and the following legislative action will be provided to the subcommittee members. Mr. Mills noted that copies of the TGPC's report to the 75th legislature were available as needed.

Set Future Meeting Dates

Following discussion, the TGPC FY98 fourth quarter meeting was scheduled for August 13, 1998 at 1:00 pm. The TGPC FY99 first quarter meeting was scheduled for October 15, 1998 at 1:00 pm.

III. Presentation

Ms. Ambrose introduced Mr. Bill Mullican, Director, Water Resource Planning Division, TWDB, to speak on State Water Planning under Senate Bill 1 (Handout #6). Mr. Mullican noted that Senate Bill 1 (SB1) was a direct result of the drought of 1995-1996 which threatened over 300 Texas community water supply systems. He noted that large cities suffered the least throughout the drought due to strong water planning efforts to ensure adequate supplies under drought and future growth conditions.

The primary intent of SB 1 is to increase local involvement and thus local support for the process of planning to meet long-term water supply needs. The goal is to develop regional and state water plans that will provide for the orderly development, management and conservation of water resources, and preparation for and response to drought conditions in order that sufficient water will be available at a reasonable cost to ensure public health, safety, and welfare, to further economic development, and to protect the agricultural and natural resources of the state.

SB 1 made major statutory changes which affected: State and Regional Water Supply Planning, Drought Management Planning, Groundwater Conservation District Management Plans, Priority Groundwater Management Area Process, Interbasin Transfers, Consolidation of TWDB authorizations, SDWA Funding for small and disadvantaged communities, Data collection and

dissemination, and Stratmap, statewide GIS mapping.

On February 19, 1998, the TWDB delineated 16 regional planning areas (RPAs) and named the initial members of each regional planning group (RPG). The TWDB has also adopted rules for the RPGs. SB 1 requires participation on the local level if entities want to remain eligible for state funding of projects.

Two hundred seventy individuals were named to the 16 RPGs. The RPGs includes public, municipal, industries, county, small business, agricultural interests, electric generating utilities, environmental interests, river authorities, water districts and water utilities. The RPGs are currently adding additional members, developing bi-laws, electing officers, and defining terms of participation. Six grant applications have been approved to date; four RPGs have indicated they will not apply for state loans. Scopes of work are due August 1, 1998. Local buy-in is a key element for the development of a successful regional water plan.

All strategies to meet future demand must be identified in regional and state plans to be eligible for TWDB loans. New items eligible for loan program under SB 1 include brush control, precipitation enhancement, water conservation and reuse, aquifer storage projects, water marketing, monitoring, and drought preparedness and management.

In conclusion, Mr. Mullican noted that the intent of SB 1 was to facilitate and enhance local involvement in the water planning process, and SB 1 is well on its way to being a tremendous success.

V. Information Exchange

Committee Publications

Annual Joint Groundwater Monitoring and Contamination Report Preparation

The Chair called on Craig Caldwell, TNRCC, to provide an update on the status of the preparation of the 1997 joint report (Handout #7). Mr. Caldwell reported the draft of the report was currently going through section review, and would soon enter the publication process. The Committee members were given a copy of the draft executive summary. Mr. Caldwell reported that about 1,000 new sites were added, mostly from the TNRCC Petroleum Storage Tank Division. This increase in PST sites was mostly due to milestone implementation and reimbursement deadlines that encouraged regulated parties to register sites. Members were asked to forward review comments of the executive summary. Mr. Musick mentioned that the TNRCC Voluntary Cleanup program would likely handle more sites in the future.

Abandoned Well Closure Technical Guidance Document

Mr. Caldwell noted that copies of the draft instructor's copy of Landowner's Guide to Plugging Abandoned Water Wells were provided to the members at the last meeting. The task force is currently addressing two issues in the draft document: hand-dug wells, and when landowners should seek assistance. The task force is refining three figures to clarify these issues.

Priority Groundwater Management Area (PGMA) Status Update

Mr. Mills reported that the annual TNRCC/TWDB Executive's PGMA meeting was conducted on April 27, 1998, to discuss staffs' recommendations and develop the scope-of-work for FY99. Staff proposed that no new areas be identified for PGMA study until further information is developed through the SB 1 regional planning process. The Executives concurred with this recommendation. Staff proposed the five previous studies for which the TWC requested 5-year updates in 1990 be reviewed in FY99. These areas include Williamson and Parts of Adjacent Cos., the Central Texas (Waco) Area, the East Texas Area, the Trans-Pecos Area, and the North-Central Texas Area. The Executives also concurred with this recommendation.

Mr. Mills noted that two PGMA studies were currently underway: the North Central Texas Alluvium and Paleozoic Outcrop PGMA study and the El Paso County PGMA study. The Texas Parks and Wildlife Department (TPWD) study for the North Texas area was completed in early April and the TWDB study was completed in mid-April. The North Texas area's regional advisory committee met on April 16 to discuss the two studies and identify priority issues; questionnaires were subsequently distributed to the advisory committee members for further analysis. The TNRCC report is statutorily due in July. Currently, the TNRCC report is approximately 80 percent complete. The regional advisory committee will meet to discuss the draft TNRCC report.

The TPWD has submitted a draft study for the El Paso County area and the TWDB study for the area has been submitted. The TNRCC report for the El Paso County area should also be finalized within a month.

Mr. Mills then updated the members on the Texas Agricultural Extension Service's (TAEX) educational effort. TAEX is planning three phases for the development of the educational materials required in SB 1. Initially, a general groundwater conservation district (GWCD) creation publication (how to/why) will be prepared. The initial draft should be completed soon, and the document should be final before the end of the fiscal year. TAEX has noted that they still are in need of success stories and description of benefits from the GWCDs. The TAEX contact is Guy Fipps at (409) 845-7454.

The second phase will be a broad brush groundwater issues/PGMA publication to be completed by the end of the calendar year. This publication will serve as template for PGMA-specific educational materials required by SB 1. Lastly, the PGMA-specific educational materials, geared for education efforts in the designated PGMA's, will be prepared. This information will primarily come from the TNRCC, TWDB, and TPWD PGMA-specific studies.

Risk Reduction Rules Update

Mr. Musick provided a status update on the TNRCC harmonized Risk Reduction Rules. Draft rules were proposed in the Texas Register on May 15, 1998. There is a 60-day public comment period, with written comments due July 22, 1998. A copy of the rules as proposed is available from the Texas Register web site. Two public hearings will be held. A hearing is scheduled in

Austin on July 6, 1998, at TNRCC's offices and in Houston on July 9, 1998.

VI. Announcements

Ms. Ambrose referred to Handout #8, the TNRCC rules tracking log. She noted the comment period for the Edwards Aquifer Phase II rules ends on June 11. The TNRCC is looking at a August to September adoption date for the rules. A mixed response on the contribution zone has been received to date. Few comments have questioned performance standards.

Ms. Ambrose noted the development of the SB1/Water Rights-Groundwater Management rules were currently under way. Mr. Musick added that the rules were in the drafting phase and the TNRCC was working with the established SB 1 rules advisory committee regarding the rules.

Lee Parham, Texas Department of Licensing and Regulations (TDLR), Water Well Drillers Program, noted the Water Well Drillers rules were currently with TDLR's General Counsel. The rules should be provided to the Texas Register within the next two weeks.

Bill Couch, TAGD, referred to Handout #9 and noted the new officers of TAGD were: President - Scott Holland, Irion County WCD; Vice- president - Mike Mahoney, Evergreen UWCD; Secretary - Kathy Jones, Sandy Land UWCD; Treasurer - Paul Tybor, Hill Country UWCD; and Parliamentarian - Cameron Cornett, Springhills WMD.

Wayne Jordan, TAES, announced the Water for Texas Conference to be held on December 1 and 2 in Austin at the Red Lion Hotel.

Mr. Ginn, RCT, announced that the revised memorandum of understanding between the RCT and the TNRCC would be published in the Texas Register tomorrow and have an effective date of May 31, 1998.

Ms. Ambrose announced the TNRCC's Source Water Protection Seminar to be conducted in San Antonio on June 1. She noted that flyers had been provided to the members and were available to the audience.

Mr. Musick announced the National Water Quality Monitoring Council, formerly the Interagency Task Force on Monitoring, was conducting its initial conference in Reno, Nevada, on July 7 through 9.

Mr. Nordstrom, TWDB, announced five new publications: three open file reports and two hydrologic atlases. The three open file reports include the PGMA studies for the North Texas and El Paso areas and an evaluation of diminished spring flow in the Toyah Valley area. The hydrologic atlases are for the Rustler and Capitan Reef aquifers.

Mr. Couch announced that a Senate Bill 1 Interim Committee hearing was to be conducted next week regarding Chapter 36 exemptions from GWCD permitting.

VII. Public Comment

Rick Lowerre suggested the TGPC should be apprised of the SB 1591 rules regarding regulatory flexibility. Mr. Musick noted that staff would look into the issue. Ms. Ambrose noted there was a short description of the SB 1591 rules in the TNRCC rules tracking log.

Mr. Lowerre had questions regarding the RCT state-funded cleanup program. Mr. Ginn noted the program was tracked by project and referred Mr. Lowerre to the RCT's Site Remediation Group Coordinator, John Tinterra.

VIII. Adjourn

There being no other business or discussion, Ms. Ambrose adjourned the meeting at 2:59 pm.

Prepared by: Steve Musick