

Texas Groundwater Protection Committee

Record of Meeting

First Quarter Meeting,

Fiscal Year 1999 Meeting

Date: October 26, 1998

Place: TNRCC, Building B

Meeting No.: 37

Room: 201A

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MEETING ATTENDANCE

Committee Members Affiliation

Mary Ambrose	TNRCC
Phil Nordstrom	TWDB
Richard Ginn	RCT
Jeanette O'Hare	TDA
Beade Northcut	TSSWCB
Bruce Lesikar	TAES
Alan Dutton	BEG
Bill Couch	TAGD
John Jacobi	TDH

Agency Staff Affiliation Program

Steve Musick	TNRCC	Water Quality Division
Cary Betz	TNRCC	Water Quality Division
Craig Caldwell	TNRCC	Water Quality Division
Alan Cherepon	TNRCC	Water Quality Division
Joe Peters	TNRCC	Water Quality Division
Kelvin Moore	TNRCC	Water Quality Division
Sherri Serna	TNRCC	Water Quality Division
Kathy Keils	TNRCC	Litigation Support Division

Interested Parties **Affiliation**

Jim O'Connor	San Antonio Water System
George Wistman	San Antonio Water System
Scott Haltey	San Antonio Water System
Delbert M. Bassett	Greater Dripping Springs Comm. Plan. Partnership
Lee Parham	TDLR
Julia Marsden	Texas League of Women Voters
Eric Strom	USGS
Rick Lowerre	Henry Lowerre Johnson Hess & Frederick

MEETING HANDOUTS

1. Agenda
2. Draft October 15, 1998, TGPC FY99 First Quarter Conference Minutes
3. Water Education Program Needs a) Wastewater Reuse Education b) Closure of Abandoned Water Wells
4. Draft TGPC Legislative Report

5. Draft TGPC Legislative Recommendations (separated out of report)
6. Draft TGPC Legislative Issue Summary Document
7. Draft TAEX Publication; Groundwater Conservation Districts, Managing Texas' Groundwater Resources.
8. TGPC Rules (As published in Texas Register)
9. Draft 319(h) grants documents and expenditures document

MEETING RECORD OF OCTOBER 26, 1998

I. Call to Order and Introductions

Mary Ambrose, TNRCC, Designated Chairman of the Texas Groundwater Protection Committee (TGPC), called the FY99, First Quarter Meeting to order at 1:10 p.m. Ms. Ambrose noted this meeting was the business portion of the TGPC Conference meeting held on October 15, 1998. Ms. Ambrose provided a copy of the Meeting's agenda and the draft October 15, 1998, First Quarter Conference minutes (Handouts #1 and #2).

All member agencies were present at the Meeting. Bruce Lesikar, TAEX, represented the TAES, and Jeanette O'Hare represented the TDA.

II. Subcommittee Reports Agricultural Chemicals

Steve Musick, TNRCC, presented the Agricultural Chemicals Subcommittee's report. The Subcommittee met on October 15, 1998. Items discussed and updated include the status of the EPA draft State Management Plan (SMP) Rule, comments and changes to the generic SMP, and the charge to the Data Evaluation and Interpretation Task Force (DEITF) for the Friona PWS wells.

The final SMP Rule will not be out until sometime after January 1999, but a final rule adoption date is still uncertain. Ms. Ambrose asked why the rules release date was so vague. Mr. Musick related that no expected release date could be predicted for certain.

Data Management

Steve Musick, TNRCC, presented the Data Management Subcommittee's report. Mr. Musick noted that the Subcommittee did not meet during the quarter and that the chairman of the subcommittee, George Ozuna, USGS, San Antonio, had lost his window-of-opportunity to serve the Subcommittee. Mr. Musick noted that TNRCC is working on the EPA 305(b) Water Quality Inventory focusing on groundwater issues and presentation of groundwater data.

Nonpoint Source

Beade Northcut, TSSWCB, gave the Nonpoint Source (NPS) Subcommittee's report. Mr. Northcut noted that the Subcommittee had not met since the October 15, 1998 Committee Conference.

Water Well Closure

Bruce Lesikar, TAEX, presented the Water Well Closure Task Force's report. Mr. Lesikar provide a background sheet pertaining to Water Education Program Needs (Handout #3). He noted the Task Force is preparing educational brochures and is working on a statewide educational effort with TAES, TSSWCB, and NCRS related to abandoned water wells.

III. Business Discussion & Possible Action

Texas Comprehensive State Ground Water Protection Program

Mr. Musick noted that there was nothing new to report, but that TNRCC staff would be meeting with EPA's groundwater staff. Staff will have an update at that time. Legislative Report and Recommendations to the 76th Legislature

Ms. Ambrose noted that the members had copies of education material related to water education issues from TAES (Handout #3), and redline/strikeout versions of the Draft TGPC Legislative Report (Handout #4), the Draft TGPC Legislative Recommendations (separated out of report as Handout #5), and the Draft TGPC Legislative Issue Summary Document (Handout #6).

Sections of the Legislative Recommendations (Handout #5) were discussed, and changed and voted upon as noted:

"Development of Pesticide-Specific State Management Plans and Education Program"

Motion: Mr. Jacobi

Second: Mr. Nordstrom

Vote: Unanimous For "Chapter 36, Texas Water Code: Exempt Wells"

Motion: Mr. Jacobi

Second: Mr. Couch

Vote: Unanimous For "Priority Groundwater Management Area Process Simplification"

Motion: Mr. Couch

Second: Mr. Nordstrom

Vote: Unanimous For "Amending TGPC Membership"

Lee Parham from the audience recommended that the member of the TGPC be the Executive Director of TDLR instead of the Chair of the Water Well Drillers Council. The TDLR Water Well Drillers/Pump Installers Program was transferred to the TDLR, and they would be the attending members. The Committee questioned the process of TDLR and its enforcement activities. Mr. Parham stated that cases may be recommended by the Council, which is not a

regulatory entity, but TDLR has the final enforcement authority.

Committee members agreed to vote on alterations of the language to be changed. The language will reflect that a member of the Water Well Drillers/Pump Installers Program of the TDLR, chosen by the Executive Director of the TDLR, should be a member of the Texas Groundwater Protection Committee.

Motion: Mr. Jacobi
Second: Mr. Ginn
Vote: Unanimous For "Water Education Program Needs"

Mr. Lesikar asked that his handouts (Handout #3a and #3b) be substituted for the background portions of this section.

The first paragraph of the "Wastewater Reclamation and Reuse" section will be replaced with the first "Background" paragraph from Handout #3a.

Motion: Mr. Jacobi
Second: Mr Nordstrom
Vote: Unanimous For

The first two paragraphs of the "Well Closure" section will be replaced by the first three paragraphs of the "Background" section of Handout #3b. Additionally, the third paragraph of the "Well Closure" section was augmented with a sentence reflecting the lack of a statewide fund to specifically finance the plugging of improperly abandoned water wells.

Motion: Mr. Nordstrom
Second: Mr. Jacobi
Vote: Unanimous For

At this time Scott Haltey of the San Antonio Water System (SAWS) asked to comment. He commended the activities of the Committee and, speaking for SAWS staff, asked that the TGPC support the establishment of a state fund for closing abandoned wells, possibly financed by drilling fees.

The Committee decided to modify the Issue Summary (Handout #6). The Summary will be edited to reflect changes made in the Committee's Legislative Recommendations, including membership for the Water Well Drillers/Pump Installers Program of the TDLR, and will add a final bulleted item stating "TGPC continues to support the establishment of a funding mechanism for the proper closure of abandoned water wells." The text of the Legislative Report will also be edited to reflect this support. Ms. Ambrose noted the Issue Summary was to be signed by each of the TGPC members agencies and asked if any of the members would have difficulty signing or having the document signed. There were no negative responses from the members. When the Issue Summary has been edited, the final version will be distributed for member signatures. The Committee voted on approving the Issue Summary for 76th Legislature.

Motion: Mr. Couch
Second: Mr. Jacobi
Vote: Unanimous For

Mr. Couch proposed that a recommendation be made with respect to NPS funding. Kelvin Moore of TNRCC stated that funding is available, though much of it is 40% matching. This issue was tabled and the Committee will meet with Mr. Moore and other staff to discuss the issue.

The Committee voted on approving the Activities of the Texas Groundwater Protection Committee Report to the 76th Legislature report.

Motion: Mr. Couch
Second: Mr. Jacobi
Vote: Unanimous For

Set Future Meeting Dates

The next TGPC meeting will be held January 21, 1998 at 1:00 pm.

V. Public Comment None

IV. Adjourn Ms. Ambrose adjourned the meeting at 3:31 p.m.

Prepared by: Steve Musick, TNRCC