

Texas Groundwater Protection Committee

Record of Conference
First Quarter Conference
Fiscal Year 1999

Conference Date: October 15, 1998
Place: Building F, TNRCC, Park 35
Room: 2210
Conference No.: 37-A

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CONFERENCE ATTENDANCE

Committee Members	Affiliation
Mary Ambrose	TNRCC
Janice Hopkins	TWDB
Richard Ginn	RCT
Jeanette O'Hare	TDA
Beade Northcut	TSSWCB
Bruce Lesikar	TAES
Alan Dutton	BEG
Bill Couch	TAGD
John Jacobi	TDH

Speaker

Bruce Lesikar, TAEX

Agency Staff	Affiliation	Program
Cary Betz	TNRCC	Water Quality Division
Kelly Mills	TNRCC	Water Quality Division
Craig Caldwell	TNRCC	Water Quality Division
Alan Cherepon	TNRCC	Water Quality Division
Ken May	TNRCC	Water Utilities/SWAP

Interested Parties

Affiliation

Fred Aus	Senate Natural Resources Committee
Jim O'Connor	San Antonio Water System
Delbert M. Bassett	Greater Dripping Springs Comm. Plan. Partnership

CONFERENCE HANDOUTS

1. Agenda

2. October 26, 1998, TGPC FY99 First Quarter Meeting Announcement Memo/Agenda
3. Data Management Subcommittee Charge (previously adopted)
4. Water Education Program Needs
5. Draft TGPC Legislative Report
6. Draft TGPC Legislative Recommendations (separated out of report)
7. Draft TGPC Legislative Issue Summary Document
8. Draft TAEX Publication; Groundwater Conservation Districts, Managing Texas' Groundwater Resources
9. Joint Groundwater Monitoring and Contamination Report - 1997
10. TGPC Rules (As published in Texas Register)
11. TNRCC Rules Log

CONFERENCE RECORD OF OCTOBER 15, 1998

I. Call to Order and Introductions

Mary Ambrose, TNRCC, Designated Chairman of the Texas Groundwater Protection Committee (TGPC), called the conference to order at 1:10 p.m. Ms. Ambrose noted that notice for the meeting was not posted in time to meet the required Texas Register notification requirements; therefore, no TGPC business or decisions would be discussed during this conference. Ms. Ambrose provided a copy of the conference's agenda (Handout #1). Ms. Ambrose noted that the FY99, First Quarter Meeting, to discuss the business originally scheduled for today, had been rescheduled for October 26, 1998, at 1:30 p.m., at Building B, Room 201A, TNRCC. The October meeting information was provided in Handout #2.

All member agencies were present at the conference. Janie Hopkins represented the TWDB and Bruce Lesikar, TAEX, represented the TAES.

II. Subcommittee Reports

Agricultural Chemicals

Donnie Dippel, TDA, presented the Agricultural Chemicals Subcommittee's report. Items

discussed/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, and could still be several months away from release. It is doubtful that it would be in time for the upcoming Legislative session, and perhaps some request could be presented to the Legislature to provide funding that would become effective upon the finalization of the SMP Rule.

Generic SMP comments by EPA that were discussed in detail include the disclaimer of individual agencies, the unofficial name change from SMP to Pesticide Management Plan (PMP), and the possible change, clarification, or removal of the reference to 5 years, or any time reference for BMP effectiveness response. Following the discussion, it was decided that the SMP Task Force and Ambrose Charles (Task Force Chairman) be given the charge to address these issues.

Items presented and discussed about the City of Friona PWS wells included an investigation status summary by TNRCC, a presentation of a potential atrazine sources, based on an investigation by Novartis, and the formal charge to the DEITF and Wayne Jordan (Task Force Chairman) for Friona.

Data Management

Kelly Mills, TNRCC, presented the Data Management Subcommittee's report. Mr. Mills 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. Mills noted that the subcommittee had been inactive for some time now and provided a copy of the subcommittee's adopted charge (Handout #3) for the benefit of the members. The subcommittee did not seek to amend the charge.

Mr. Mills noted that at the previous meeting, the subcommittee had given an overview of the material being developed by the TNRCC for the Federal 305 (b) groundwater assessment. Mr. Mills reported that the TNRCC was currently working on the 305 (b) groundwater submittal, and hoped to have the effort completed in about one month.

Nonpoint Source

Beade Northcut, TSSWCB, gave the Nonpoint Source (NPS) Subcommittee's report. Mr. Northcut noted that the TNRCC's NPS 319 (h) efforts were currently targeted to total maximum daily load (TMDL) issues. Mr. Northcut noted that the TSSWCB requests had been submitted to EPA, but a response for FY99 projects had not been received to date.

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 #4). He

noted the background information was tied to well closure educational efforts and wastewater reuse educational efforts. A tiered approach was given for the level of education for each issue. He noted an educational program is needed to develop additional educational materials (in addition to the materials developed by the TGPC) and deliver existing materials to landowners. Generic, enhanced, and premium programs were briefly outlined for the education programming.

Mr. Lesikar noted the wastewater reuse information pertained to educational programming regarding three issues: reclaimed water, greywater systems, and innovative/alternative on-site systems. He noted that Texas does not have regulations which specifically address the design, operation, and maintenance of greywater systems.

A brief discussion between the members ensued pertaining to the calculated cost for the tiered educational programming. It was recommended that TAEX provide more detail to clarify what resources were needed and what was being requested.

Legislative Report

Mr. Mills presented the Legislative Report Subcommittee's report. Mr. Mills provided a draft copy of the legislative report, the draft recommendations under separate cover, and the draft issue summary document (Handouts 5 - 7, respectively), and noted that further discussion of the material would be delayed until the October 26, 1998, meeting.

Mr. Mills noted that the subcommittee met on September 3, 1998 and that final subcommittee comments had been provided by September 11, 1998. He noted the TGPC's Chairman and Secretary had completed detailed reviews by October 2, 1998. He noted that the draft report and issue summary document had been mailed to the members, and the draft recommendations had been E-mailed and faxed to the members on October 7, 1998.

Mr. Couch, TAGD, noted that some language in the nonpoint section of the report should be updated to reflect that the agencies are generally using 319 (h) funding for state priorities, and the funds were no longer being passed along. Ms. Ambrose requested that Mr. Couch work up some recommended changes, coordinate with Mr. Northcut, Chairman of the NPS Subcommittee, and bring the recommended changes back to the October 26, 1998 meeting. John Jacobi, TDH, recommended that some language which had been removed from a previous draft be reinserted and noted two formatting issues.

III. Presentation

Bruce Lesikar, TAEX, Senate Bill 1 Educational Efforts

Mr. Lesikar presented information pertaining to educational efforts required of TAEX under Senate Bill 1 (SB 1), 75th Legislature, 1997. He presented a slide presentation entitled TAEX Water Education Programming. He noted TAEX educational programming revolved primarily

around three issues: water conflict training, groundwater conservation district (GWCD) creation educational efforts, and wastewater reuse education. County extension agents participated in a centralized training program related to conflict and dispute resolution. The training program focused on water demand and supply issues and provided education to the county agents to speak to local populations. To date, two GWCD creation education programs have been conducted; one each in Burnet and Nacogdoches Counties. Wastewater reuse training had been provided to the public in El Paso County, to the Springhills Water Management District in Bandera County, and to the USDA/NRCS in the Hill Country Priority Groundwater Management Area (PGMA).

Mr. Lesikar noted that TAEX also participated in ten drought workshops conducted by the TDA. At the workshops, TAEX promoted awareness of water resources, provided information pertaining to conserving water, and provided education on efficient methods of agricultural production.

GWCD creation programming is scheduled in Haskell and Knox Counties for October 26 and 27, 1998. Mr. Lesikar noted that a local 4H club project will include information transfer pertaining to GWCDs and their creation through public service announcements. Mr. Lesikar noted TAEX education pertaining to the designated PGMAs is pending and that TAEX was currently working on compiling county-specific stakeholder lists. He noted that wastewater reuse system education was planned in College Station for home inspectors and continuing education on this issue is required for level one inspectors.

Mr. Lesikar reported that material developed to date includes the draft publication Groundwater Conservation Districts, Managing Texas' Groundwater Resources (Handout #8), due to be published within one month, slides of the major and minor aquifers, slide presentations for PGMA study numbers 6 and 16, and fact sheets on wastewater reuse. Material to be developed in the future include presentations for all of the PGMA reports, press releases for the designated PGMAs, and brochures on GWCD success stories.

Mr. Couch noted some corrections he would like to see incorporated into the handout and asked if TAGD had been given the opportunity to comment on the document. Mr. Lesikar noted that Lee Arrington with TAGD had reviewed and commented on the document and had been asked to distribute the document to the TAGD members for comments. Mr. Couch requested that additional time be allowed for TAGD review. Mr. Lesikar agreed and requested that Mr. Couch work with him on a schedule.

IV. Information Exchange for Groundwater Related Activities/Status Update

Committee Publications--

Joint Groundwater Monitoring and Contamination Report

Craig Caldwell reported that TGPC members would receive five copies each of the Joint Report

unless more were requested. Mr. Ginn requested 20 copies for RCT field offices.

Water Well Closure Technical Guidance Document

Mr. Caldwell reported that the Guide was in the TNRCC publications process and, though currently readily available as a draft document, would be posted to the TGPC web site when approved.

Priority Groundwater Management Area Status Update

Mr. Mills reported that two TNRCC reports were completed during the quarter and that copies were available upon request. He noted the Executive Director's report determined that the North Texas Alluvium and Paleozoic Outcrop PGMA study area was not a PGMA and that the Executive Director had submitted a notification letter to the study area's stakeholder providing the opportunity for the filing of reconsideration of the determination. He noted that no motions were received by the TNRCC and that efforts regarding the study had been completed. Mr. Mills noted that the Executive Director's El Paso County PGMA report recommended that the Hueco Bolson within El Paso County should be designated as a PGMA. He noted that the report was filed with the Chief Clerk on August 25, 1998. The TNRCC ordered that the evidentiary hearing be remanded to the State Office of Administrative Hearings (SOAH) on August 26, 1998. The evidentiary hearing was conducted in El Paso on October 5, 1998 and the TNRCC will determine the designation on December 2, 1998.

Mr. Mills noted that the Executive Director is currently ironing-out its plan of action for the designated PGMAs and working with the TWDB to compile PGMA-GWCD Legislative Report. He noted that the TGPC had received several letters regarding northern Bexar County, seeking inclusion in the Hill Country PGMA, and that the TGPC has forwarded the information to the appropriate TNRCC staff to evaluate the options.

Risk Reduction Rules

Mr. Mills noted that the TNRCC's proposed rules were withdrawn and remanded to staff on August 26, 1998. Staff have been working with various interested parties over the past month. Staff is currently working on a new rule proposal with the goal to propose as soon as possible. Reasonable expectation indicates it could be several months before reproposal. Mr. Mills said the TGPC would be kept informed on the development of the reproposal.

V. Announcements

Ms. Ambrose noted that a copy of the Texas Register containing the TGPC's adopted rules had been distributed to the members (Handout #10). She further noted that a copy of the TNRCC Rules Log (Handout #11) had also been provided to the members. Ms. Ambrose noted that the TNRCC Edwards Aquifer Protection Rules had been adopted with an effective date of June 1, 1999. When asked, Ms. Ambrose noted there were two reasons for the delayed effective date: the development, and public input into the development, of the technical guidance document and

postponement until after the next legislative session for any legislative guidance on the program. Ms. Ambrose noted that Mr. Mills had copies of the rule available.

Mr. Mills noted that Phase II of the TNRCC's Senate Bill 1 rules, including the proposed rules related to the groundwater management plan enforcement and PGMA provisions, were authorized to be published for comments on September 10, 1998 (TNRCC Rule Log number is 97146-297). The rules were proposed in the Texas Register on October 9, 1998. Mr. Mills noted that the proposed rules amend Chapter 293 pertaining to Commission creation of GWCDs in PGMAs, appointment of temporary directors by Commission in GWCDs in PGMAs, and Commission action pertaining to GWCD management plan noncompliance. He also noted the proposed rules amend Chapter 294 pertaining to designation of management areas, make conforming name changes to the designated PGMAs (from "Critical Area" to "PGMA"), and provide the procedure for the designation of PGMAs.

Mr. Lesikar noted that the Texas Water Resource Institute's Water for Texas Conference was scheduled for December 1 and 2, 1998, in Austin at the Red Lion Conference Room. The focus of the conference will be on water management strategies. He noted further information could be obtained by contacting Dr. Wayne Jordan, TAES.

Mr. Dippel noted that the Surface Water Protection Committee was scheduled to meet on October 21, 1998, at the TNRCC, Building A, Room 308.

Mr. Couch noted that the Groundwater District Management Association was scheduled to meet in Fort Worth from November 1 through 3, 1998. Mr. Couch also noted that the Ozarka case was going to be considered on November 16, 1998.

VI. Public Comment

None

VII. Adjourn

Ms. Ambrose adjourned the meeting at 2:14 p.m.

Prepared by: Steve Musick, TNRCC