

**TEXAS GROUNDWATER PROTECTION COMMITTEE  
 RECORD OF MEETING  
 Third Quarter Meeting, Fiscal Year 1999**

Meeting Date: April 29, 1999  
 Meeting No.: 39

Place: TNRCC, Building B  
 Room: 201A

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## MEETING ATTENDANCE

## TGPC Members

## Affiliation

Mary Ambrose	TNRCC
Alan Dutton	BEG
Richard Ginn	RCT
Janie Hopkins	TWDB
John Jacobi	TDH
Wayne Jordan	TAES
Beade Northcut	TSSWCB
Donnie Dippel	TDA

## Agency Staff

## Affiliation

## Program

Craig Caldwell	TNRCC	Water Quality Division
Alan Cherepon	TNRCC	Water Quality Division
Monty Dozier	TAEX	
Bruce Lesikar	TAEX	
Paul Lewis	TNRCC	Remediation Division
Marilyn Long	TNRCC	Permit Division
Ken May	TNRCC	Water Utilities Division
Steve Musick	TNRCC	Water Quality Division
Jeanette O'Hare	TDA	

## Interested Parties

## Affiliation

Jerry Collins	EPA, Region 6
Melissa Cooper	TxDOT
Amy Dinger	SAO
Gail Garretson	BS/EACD
Jackson Harper	PBS&J
Van Kozak	EPA, Region 6
Julie Marsden	League of Women Voters - TX
Lee Parham	TDLR
John Swinton	State Auditor's Office

## MEETING HANDOUTS

1. Agenda
2. Plugging Abandoned Water Wells Video Script
3. *Landowner's Guide to Plugging Abandoned Water Wells*, TNRCC, RG-347, April, 1999
4. "General Overview of Texas Risk Reduction Program (TRRP) Process"
5. "ASDWA Winter Member Meeting - Future's Forum"
6. Draft "Future's Forum Questions"
7. Future's Forum Web Site
8. *Priority Groundwater Management Areas and Groundwater Conservation Districts; Report to the 76th Legislature*, TNRCC, SFR-053/99
9. "Groundwater Conservation District Status"
10. "Rules in Process - Rules Tracking Log"
11. "Groundwater Conservation Districts" Brochure
12. "Managing Texas' Groundwater Resources Through Groundwater Conservation Districts" Booklet
13. Text of HB 1848

## MEETING RECORD OF APRIL 29, 1999

**I. Call to Order and Introductions**

Mary Ambrose, Designated Chairman of the Texas Groundwater Protection Committee (TGPC), called the FY99, Second Quarter Meeting to order at 1:00 p.m.

All member agencies were present at the meeting. Janie Hopkins represented the TWDB.

**II. Subcommittee Reports -****Agricultural Chemicals**

Donnie Dippel, TDA, reported on the Agricultural Chemicals Subcommittee meeting held this morning where five items were discussed. Phil Nordstrom, TWDB, discussed his review of the Pichloram Texas Site Selection Report. Dr. Ambrose Charles, TDA, reported that the EPA has proposed extending their State Management Plan (SMP) review period, and that the SMP Final Rule is anticipated to be completed in September.

Dr. Wayne Jordan, TAES, mentioned his Committee's Charge to investigate atrazine detects in Friona's groundwater. Dr. Joe Peters, TNRCC, commented upon the work and findings of the Friona investigation on March 22-24, 1999. Dave Nardone and Dave Deardorff, SDI, provided an overview of immunoassay (IA) methods with respect to pesticide analysis, and gave an IA workshop during lunch.

Van Kozak, EPA, Region 6, presented the current viewpoint of EPA Region 6, regarding the adequacy of the generic PMP specifically on the time period for evaluation of activities implemented to address detections. The Subcommittee discussed the issue of a 2-year

versus a 5-year evaluation and reporting period in the Texas Generic Pesticide Management Plan (PMP).

### **Data Management**

Craig Caldwell, TNRCC, noted that the Federal 305(b) reporting was under review and would be sent to Committee members upon completion.

### **Nonpoint Source**

Beade Northcut, TSSWCB, reported that the Nonpoint Source Subcommittee did not meet during the quarter.

### **Water Well Closure**

Bruce Lesikar reported on the activities of the Abandoned Well-Closure Task Force. The Task Force had a meeting on January 23, 1999 in Austin to discuss developing a video on the plugging of abandoned wells. Also discussed was the issue of having educational meetings this summer, done more or less as a field day, where actual plugging of wells would occur, to educate people in the process for how to proceed in the plugging of wells.

On March 9, 1999, a meeting was held to develop a script relating to a video. The video would address the issue of properly closing large diameter water wells. These wells are the majority of abandoned wells in Texas, where many residences have been abandoned or destroyed and the onsite water wells left behind. They represent a great risk of people or animals falling into them and as sources of contamination to the groundwater supply. This particular type of well is one which the homeowner or the landowner can plug themselves, since they are generally shallow and a clay material can be used for backfill. The video will focus on these wells, explaining why they need to be plugged, the process of plugging them, and report filing with state authorities. Bruce Lesikar and Craig Caldwell have been working on a script (Handout #2) and will proceed with developing a contract by March 1 and working on the video. The video would be completed by August 31, 1999.

Craig Caldwell noted that the *Landowner's Guide to Plugging Abandoned Water Wells* (Handout #3) had been published as a folded and stapled document in a small quantity, and requested the number of copies required by Committee members. The *Guide* was also available as an Acrobat "pdf" version on the Committee's web site.

## **III. Presentation**

Status of the TNRCC's Proposed Texas Risk Reduction Program Rule.  
Paul Lewis, Remediation Division, TNRCC.

Mr. Lewis presented an update of the Proposed Texas Risk Reduction Program (TRRP) Rule. He said that in the summer of 1998, little public comment had been received, and the proposed rule was withdrawn from consideration in August 1998. The Rule then "went back to the drawing board" for major revisions in structure and content. In February

1999, a publication draft was made available on the TNRCC's web site and was formally submitted to the Texas Register on March 26. The comment period has been extended and will remain open until May 11. The rule team anticipates addressing all comments by the commissioner's agenda meeting scheduled for August 11, 1999. If the Commission adopts the rule, it should be effective in September.

The Risk Reduction Program Rule and groundwater protection are related in that the Rule is intended to address contaminant releases that impact groundwater as well as other media including soil, surface water, and air. The rule does not itself compel reporting of a release per existing regulatory programs but instructs permittees regarding meeting clean up requirements. The Rule will replace existing risk reduction rules used for industrial and petroleum storage tank site cleanups. It will also be applied to other programs in the Office of Waste Management. Handout #4 contains a general overview of TRRP process. There are several steps, beginning with an affected property assessment. The affected property is that portion of real estate with a contaminated media that is intact after the limits of a health-based protective contaminant concentration are determined. In performing the groundwater investigation the values used to determine the extent of contamination are very similar to maximum contaminant levels (MCL).

The objective is to determine the full extent of the media that has been impacted using these health-based protective levels. These values may be modified if other media is being impacted or if there are ecological receptors that are more severely impacted and thus require lower concentration levels. In order to pick the appropriate protective cleanup levels for an assessment, you have to know the class of groundwater. There are three classes of groundwater proposed in the Rule. Classes 1, 2, and 3 are considered usable, and Class 4 is considered non-usable.

Class 1 groundwater is of such pristine quality or value as a groundwater resource due to quality or high yield that not many sites in Texas meet this criteria. A water supply well that is within a half mile of a contaminated groundwater zone would be subject to the Class 1 criteria.

Class 2 groundwater resources are a much broader group of water bearing zones. If the groundwater is being used within a half-mile radius of an affected property, and it's in the same groundwater unit, or generally if the groundwater is less than 10,000 milligrams per liter of total dissolved solids (TDS), and if the water bearing zone is capable of sustaining pumpage of 150 gallons per day, it would be subject to the Class 2 criteria. All other groundwater, classified as Class 3, is either too saline or too low in yield to be considered a groundwater resource.

Once one has determined what Class of groundwater is present on their affected property, one must determine whether one can use MCLs or a multiplier thereof to determine the assessment level. Mr. Lewis used figures on Handout #4 to illustrate how particular site assessment levels could be determined for groundwater samples. Persons gathering site samples must make analysis information available to those landowners upon whose land samples have been taken.

If a portion of an affected property cannot be cleaned up, some kind of control measure must be established to prevent the site from getting worse. The area outside of this portion would then be subject to health-based protective levels. If there is a large area of soil contamination going to be addressed as a land fill-type closure, the underlying groundwater would need to be cleaned up. This is an exposure prevention and not a cleanup approach. This would entail the use of plume management control mechanisms for the duration of the responsive action care period, with financial assurance required for certain types of remedies involving engineering controls. This process applies only to Class 2 and 3 groundwater, and is not an option for Class 1 groundwater. Under the proposed Rule, a limited amount of plume expansion is allowed provided certain conditions are met.

Mr. Lewis was asked if the Proposed TRRP Rule had grandfather provisions. He said that projects that have already achieved established cleanup levels within other solid waste programs could be grandfathered under the existing rules. New incidences addressed during the investigation phase would come in under the TRRP rules.

He was asked if the TRRP rules criteria are generally considered more stringent than the existing MCL's. He said that it is hard to say whether they are more or less stringent since the rules cover so many other variables. But as far as the protection of human health they are essentially equivalent to the existing rules. They address other policy issues that existing rules do not, such as outside notice requirements, ways of approaching the TNRCC to get variances, such as in determining protective concentration levels.

He was asked if the Rules will apply equally to public as well as private sources of contamination. He said that they do apply equally to all sources.

#### **IV. Business**

##### **Discussion & Possible Action**

##### **25th Anniversary Safe Drinking Water Act (SDWA) - EPA Futures Forum Questionnaire**

Ms. Ambrose introduced Handouts #5, #6, and #7 to the Committee. She said that the EPA is planning to celebrate the 25th anniversary of the Safe Drinking Water Act and has distributed a questionnaire of seven questions intended to address the Act in the next 25 years. There is also a website dedicated to the Futures Forum ([gwpc.site.net/FuturForm2](http://gwpc.site.net/FuturForm2)). She wanted to address the second question of the questionnaire relating to source water quality and quantity. The question has to do with resource water, given the national trend toward the increasing population, urbanization, and development, the drinking water programs improving the availability and good quality of drinking water on the source water and the water demand areas. How can the government and the private sector better coordinate their respective efforts? She said that many of the committee members had been looking at these issues and have some feel for where they think the field is going in the next twenty-five years. She suggested that the committee begin its discussion regarding the quantity side.

Dr. Wayne Jordan, TAEX, said that a principal issue in the future in terms of water supply will be water allocation. "Water flows toward money." In the future there will be few new sites for surface water storage. Aquifer storage may be an alternative. Currently available water may simply be reallocated. Large-scale events such as floods provide a tremendous amount of water which could be captured and stored.

Richard Ginn, RCT, said that there is a downward trend of using fresh water for Oil and Gas activities. They are not substituting groundwater. Activity has simply declined.

Donnie Dippel, TDA, stated that his agency encourages more efficient irrigation, drip irrigation, and brush management. Beade Northcut, TSSWCB, said that brush management was an important issue, but may not be cost-effective for the individual. Enhanced recharge may be an alternative.

Dr. Jordan said that enhanced recharge would be facilitated through construction retention areas. Mr. Northcut added that other issues included separating water use and differentiating fresh water and gray water. Gray water can be used for irrigation, and could be separated from the wastewater stream. John Jacobi, TDH, wondered if political or tax incentives would be necessary to implement this water segregation. Was it more cost-effective?

Dr. Jordan asked if when diverting effluent for irrigation, what are distribution costs? Mr. Jacobi noted that wastewater has been used for irrigation near a school.

Mr. Jacobi stated that people have a right to safe drinking water, and current standards are adequate. Also, flood events often force water systems to comply with more rigorous standards to reopen. He asked, "Why does groundwater need to achieve drinking water standards?" Point of use treatment may be appropriate. The TDH investigates water-borne diseases, but could work to modify existing water quality standards. People tend to adapt to available water. Some communities don't want to invest in cleaner water.

Dr. Jordan said there is a trend toward the protection of source water and watersheds. Water systems sometimes purchase lots of land in a watershed to become more proactive in addressing inflow into reservoirs (such as the City of Austin Edwards aquifer efforts). An analysis of a system should ensure the maintenance of public health and safety. He said there is a trend toward the analysis of an increasing number of chemical parameters, but that a biological standard may be more appropriate, addressing overall human safety. That is, biology-based vs. parameter-based standards. Human health vs. environmental quality.

Mr. Jacobi said he did not feel there was a trend toward unifying regulatory agencies, with the future being much the same as today. The public's emphasis on environmental quality is due to impacts on public health.

Dr. Jordan said agencies should simplify access to funding. There is a bewildering array of programs and grants available to the public for carrying out water protection. Only a groundswell of public support will change this, due to congressional turf issues.

Mr. Jacobi said there may be an increased role for weather modification. Dr. Jordan added that there is interest in weather modification in Texas, but not in the rest of the country.

### **Texas Comprehensive State Groundwater Protection Program Process**

Steve Musick, TNRCC, reported that further action regarding CSGWPP had not occurred during the last fiscal quarter, but that the EPA has made some additional funding available to us to fund a couple of projects. We will devote some funding to the Abandoned Well-Closure Task Force video project. We are also hopeful in we may be able to work with an outside consultant to develop some of the information that's necessary for demonstrating the state's Core Groundwater Protection Program.

### **Set Future Meeting Dates**

The next meeting of the Texas Groundwater Protection Committee will be August 12, 1999 at 1:00 p.m.

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

### **EPA Groundwater Report to Congress**

Mr. Musick reported that staff of the Office of Ground Water/Drinking Water at the U.S. Environmental Protection Agency (EPA) Headquarters have sought the assistance of state water program representatives to prepare the Groundwater Report to Congress required by the Safe Drinking Water Act (SDWA). EPA staffs are working with the GWPC, ASDWA and AISWPCA organizations to prepare this report. EPA considers the scope of the report to be broadly inclusive of the many aspects of groundwater quality protection and management at the state level. A questionnaire has been developed for the states' responses to a range of questions including: groundwater assessment and planning; priority setting; decision ranking and funding; and specific programmatic needs. The report will be prepared from these submittals and will also include a Fact Sheet for each state describing the highlights of their programs and assessment of needs. The information is requested by mid April, 1999. TNRCC staff will serve as contacts for this effort for Texas.

### **Priority Groundwater Management Area Status Update**

Mr. Musick stated that since the last Committee Meeting in January 1999, legislative interest in groundwater management and district issues has increased significantly. TNRCC staff briefed affected legislators and legislative leadership on the options for TNRCC action in the five already designated Priority Groundwater Management Areas (PGMA). Work continues at the TWDB and at Texas Parks and Wildlife Department on

updating five of the previous studies conducted in the early 1990's. TNRCC is processing a petition filed to add northern Bexar County to the existing Hill Country PGMA.

Mr. Musick noted Handout #nine, and spoke about the legislative briefing given jointly by the Texas Water Development Board and the TNRCC regarding groundwater conservation districts that were created during the previous session of the Texas Legislature.

## **VI. Announcements**

Lee Parham, Texas Department of Licensing and Regulation, announced that the Legislature had added his agency to the TGPC effective September 1, 1999.

Mr. Bruce Lesikar, TAEX, distributed Handouts #11 and #12, relating to Groundwater Conservation Districts. They are being distributed by TAEX and are available to the public. He added that a media report on abandoned water wells prepared by Ms. Gena Parsins, will be broadcast on May 15, 1999.

Monte Dosier, TAEX, commented that funds are available for agricultural producers for resource conservation purposes. Interested parties can contact TAEX or the local TNRCC office.

## **TNRCC Rules Update**

Ms. Ambrose said that Handout #10 was the TNRCC's latest Rules Tracking Log.

## **VII. Public Comment**

Ms. Julie Marsden, Texas League of Women Voters, commented that she saw a positive trend occurring in that water quality and quantity issues were increasingly being addressed by different kinds of programs, such as the Total Maximum Daily Load Program, the Source Water Assessment Program, and drinking water regulations. People are communicating more about gathering, integrating, and using data, which hasn't happened before. The regulatory climate may not change, but there seems to be a kind of "pulling together" of resources which will benefit groundwater protection and promote safer drinking water.

**VIII. Adjourn**

The meeting was adjourned at approximately 3:10 p.m.

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Prepared by: Steve Musick, TNRCC