

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

Meeting Date: August 12, 1999  
Meeting No.: 40

Place: TNRCC, Building E  
Room: 201S

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MEETING ATTENDANCE

TGPC Members

Affiliation

Mary Ambrose	TNRCC
Alan Dutton	BEG
Richard Ginn	RCT
Phil Nordstrom	TWDB
Wayne Jordan	TAES
Richard Egg	TSSWCB
Donnie Dippel	TDA
Barry Miller	TAGD

Agency Staff

Affiliation

Program

Cary Betz	TNRCC	Water Quality Division
Craig Caldwell	TNRCC	Water Quality Division
Alan Cherepon	TNRCC	Water Quality Division
Rick Behal	TNRCC	Water Quality Division
Pat Hooper	TNRCC	Field Operations Division
Kelly Mills	TNRCC	Water Quality Division
Steve Musick	TNRCC	Water Quality Division
Debbie Danford	TDA	
Kate Lackey	TDA	
Jeanette O'Hare	TDA	
Tyrone Hoskins	EPA	EPA Region 6 Grants Section
Michael Bechdol	EPA	EPA Region 6 Ground Water
Karen Young	EPA	EPA Region 6 Grants Section
Bruce Lesikar	TAEX	
Jennifer Modgling	Texas House Natural Resources Committee	

Interested Parties

Affiliation

Jim O'Connor	SAWS
Don Cirico	Instrumentation NW, Inc.
Gail Garretson	BS/EACD
Sharon McNamara	Brown McCarroll

## MEETING HANDOUTS

1. Agenda
2. Record of Meeting - Third Quarter Meeting, April 29, 1999
3. Letter to the Committee from Texas Department of Licensing and Regulation
4. Texas Water Code "Water Well Drillers and Pump Installers" Rules
5. *State of Texas Water Quality Inventory - Selected Texas Aquifers*
6. EPA 305(b) State Water Quality Assessments Guidelines for the 2000 Reporting Cycle
7. Figures 2a and 2b from the *Joint Groundwater Monitoring and Contamination Report - 1998*
8. "State of Texas Comprehensive Approach to Groundwater Protection"
9. "Ground Water Report to Congress"
10. "TGPC Legislative Recommendations and Legislative Action"
11. TNRCC Rules Tracking Log

## MEETING RECORD OF AUGUST 12, 1999

**I. Call to Order and Introductions**

Mary Ambrose, Designated Chairman of the Texas Groundwater Protection Committee (TGPC), called the FY99, Fourth Quarter Meeting to order at 1:00 p.m. The representative from TDH was unable to attend. Richard Egg represented the TSSWCB.

Ms. Ambrose stated that the Texas Department of Licensing and Registration (TDLR) would be joining the Committee in FY2000 and asked its representative, Steve Wiley, to address the Committee regarding their groundwater activities. He said the TDLR regulates water well drillers and pump installers. They have rules and regulations on minimum construction standards and have an active enforcement program to regulate abandoned well closures. TDLR preformed 497 inspections last year and collected over \$48,000 in penalties.

Mr. Wiley noted the letter from Michelle Martin (Handout #3) that appoints him to the committee as their representative and the "Water Well Drillers and Pump Installers" Rules (Handout #4).

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

Ms. Ambrose asked Steve Musick, TNRCC, to give a report on the Agricultural Chemical Subcommittee's activities. Mr. Musick said that the Agricultural Chemical Subcommittee met this morning for its fourth quarter meeting. The subcommittee heard the final report from the Data Evaluation Task Force relating to the investigation of Atrazine detections from City of Friona groundwater samples. The report concluded that two groundwater drinking water wells for the City of Friona had contamination due to Atrazine. Due to the low levels of Atrazine and the mixing of water from all the cities wells, this contamination did not pose a public health threat based on the maximum contaminant levels under the

Safe Drinking Water Act. They further concluded that the contamination is most likely caused by point sources within the City of Friona. There was no information or data that would suggest it was a normal agricultural problem.

The report provided the following recommendations: that the City of Friona establish and conduct a wellhead protection area and well head protection inventory program; that there be continued monitoring by the TNRCC of selected wells, including the City of Friona public water supply wells, for Atrazine and possibly also for Metolachlor; and that targeted education be conducted for pesticide users in the Friona area.

The Travis County Agricultural Extension Agent spoke about the Master Gardeners Program and the proposed Master Merchants Program which address the urban use of agricultural chemicals. The Master Gardeners Program is an educational program for people engaged in urban gardening that identifies best management practices for urban gardening, including those relating to pesticide use. The proposed Master Merchants Program will establish a training program that will be oriented towards merchants who sell pesticides and agricultural chemicals to urban users.

A summary of the State's monitoring program for Atrazine was also presented. Mr. Musick said that there was a lot of data presented, but as far as Atrazine is concerned, there are no confirmed detections that would indicate a regional problem with normal agricultural use. Fifteen Atrazine detections have been confirmed out of approximately 3,000 well sampling events.

Ms. Ambrose asked Mr. Musick if he had an update on EPA's review of the Texas Generic State Management Plan (SMP) draft. He said that he had not been able to talk directly to the EPA contact but had heard indirectly that the SMP is still at EPA for review. He further noted that comments from the EPA were not likely to be provided by the next Agricultural Chemical Subcommittee meeting. The situation was discussed and the members of the Subcommittee agreed that TDA and TNRCC staff would get together and discuss the possibility of arranging a meeting with EPA staff to discuss the situation.

Ms. Ambrose asked Mr. Musick what the cause of the Atrazine contamination was, if it was not from agricultural practices. He said that the data indicated ten potential point sources, chiefly the possible mishandling of pesticide container rinsing. At one site, the contaminated public water supply wells were near an abandoned water well which had not been documented before the investigation. There were also indications from interviews regarding agricultural use in the area that Atrazine was applied for weed control. This is no longer a labeled use for Atrazine in urban areas. A sampling event also showed contamination of a well near a tailwater collection pond in an agricultural area. No Atrazine was detected in several wells in an agricultural area away from the city, though the geology was very similar and at a distance of only a few miles.

Ms. Ambrose asked Donnie Dippel if he had heard anything about final rules coming out from the EPA regarding the State Management Plan. He had heard that they may come out sometime in Fall, 1999.

### **Data Management**

Ms. Ambrose asked Cary Betz, TNRCC, to give the Data Management Subcommittee report. Mr. Betz said that the data management subcommittee did not meet this quarter but has produced material that was submitted to the EPA and the EPA's contractor, Research Triangle Institute (RTI), for the Clean Water Act (CWA) Section 305(b) national water quality inventory report (Handout # 5). The report includes tabular and GIS-generated graphical information with introductory text. This is a product of intensive coordination between the contractors at RTI and TNRCC staff. RTI was pleased with the submitted product. Handout #6 is a memorandum and fact sheet which addresses some of the issues surrounding the 1998 report as well as guidelines for the FY 2000 report. TNRCC staff will begin the FY 2000 report within the next month and have just begun a review of issues in the guidance. It appears that Texas' program is in line with the guidelines presented.

Steve Musick added that the TNRCC was appreciative of efforts by the Texas Water Development Board in assisting and providing data for the 305(b) groundwater analysis project.

### **Nonpoint Source**

Ms. Ambrose asked Richard Egg, TSSWCB, to give the Nonpoint Source Subcommittee report. Mr. Egg said that he was representing the TSSWCB for Beade Northcutt. The Nonpoint Source Subcommittee did not meet during the last quarter and had nothing new to report.

### **Water Well Closure**

Ms. Ambrose asked Bruce Lesikar, TAEX, to report on the Water Well Closure Task Force. Mr. Lesikar said that the Task Force had completed the final script for the abandoned well closure video, which he would provide the TGPC members as requested. The computer generated graphics necessary for illustrating the various components for the closing procedure are being completed and coordinated with the script. Video portions of actual filming of abandoned well closures has yet to be completed. TDLR is assisting in locating wells for filming. He said the video is progressing and a draft should be ready by the end of the month.

## **III. Presentation**

Ms. Ambrose said that the presentation by the U.S. Geological Survey on their groundwater study in the South Central Texas area has been canceled due to the speaker's illness. The presentation may be rescheduled at a later time.

#### **IV. Business - Discussion & Possible Action**

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

Ms. Ambrose asked that Steve Musick give an update on the Texas Comprehensive State Groundwater Protection Program Process. Mr. Musick said the TGPC had been fortunate that at the mid-year point for the fiscal year, EPA was able to give the TNRCC additional funds under the groundwater grant. The TNRCC was able to use those funds to address a couple of issues and execute outside contracts for additional work. The TNRCC was able to negotiate with the University of Texas Bureau of Economic Geology (BEG) to have their staff prepare an analysis of the Core Assessment document. BEG staff is going to research the applicability of the TNRCC Petroleum Storage Tank (PST) program as a representative program with regard to exhibiting the characteristics of a program that complies with and follows the State's Core Program. Work has just begun and is scheduled for completion by the end of the fiscal year. The TNRCC has a good outline of the draft and PST contacts have been provided to the BEG. The project will ultimately produce a comparison document that the TGPC can use to assess the Core Program.

##### **Final draft - 1998 Joint Groundwater Monitoring and Contamination Report**

Ms. Ambrose asked Craig Caldwell, TNRCC, to talk about the draft 1998 Joint Groundwater Monitoring and Contamination Report. Mr. Caldwell said there were 7627 sites in the draft Joint Report. Handout #7 illustrates that there was a significantly lesser increase in sites from 1997 due to the TNRCC PST programs removal of a large number of inactive sites from their database. Approximately 1100 new PST sites are in the 1998 report, but almost as many were dropped by the PST program.

When the report is finalized, TGPC members will be given copies, and the report will be posted on the TNRCC's web site.

##### **Set Future Meeting Dates**

The TGPC agreed that the next TGPC meeting will be held Thursday, November 4, 1999, at 1:00 PM.

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

##### **Committee Publications**

Ms. Ambrose stated that the TGPC's comments regarding the EPA Futures Forum Questionnaire from the last meeting are reflected in the minutes, and that the comments will be passed on the Ground Water Protection Council for inclusion into their report to the EPA.

Craig Caldwell stated that funding was available to produce copies of the *Landowner's Guide to Plugging Abandoned Water Wells* in the amounts the TGPC members had previously requested. A packet of originals of the Guide was sent to the last meeting of

the Texas Alliance of Groundwater Districts for distribution and reproduction by individual Alliance members. A PDF version of the Guide exists on the TGPC web site for downloading and printing.

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

Ms. Ambrose asked Steve Musick, TNRCC, to update the TGPC on EPA's Ground Water Report to Congress. Mr. Musick said that the Amendments to the Safe Drinking Water Act, Section 1429, which address grants for Comprehensive State Ground Water Protection Programs and which has not been funded by the Administration, requires the EPA to prepare a report to Congress on the status of groundwater nationwide. Mr. Musick noted that it is unclear how this report relates with the National Water Quality Inventory (CWA Section 305(b) Report) required under the Clean Water Act.

The Ground Water Report to Congress consists of two parts. One is the formal report prepared by EPA Headquarters staff according to the requirements of the statute and EPA policy. The second part of the report is state program summaries, included by agreement with the national groups representing state water quality program administrators AISWPCA, ASDWA, and the Ground Water Protection Council. These groups coordinated the preparation of fact sheets from each state with their own program descriptions.

Mr. Musick noted the Handout titled "State Fact Sheets - Introduction" and described it as simply the introduction to the 50 individual state-submitted summaries. It's primary focus is on the funding issues. It's widely believed among the states and among EPA staff that there are a lot of groundwater protection issues that have not been adequately addressed. It is recognized that groundwater is difficult and expensive to clean up. There is also recognition that there is no groundwater-specific national legislation and that a lot of times groundwater programs fall by the wayside in comparison to surface water protection programs. The focus is not only to give information about state groundwater programs but also identify the capability and funding issues that are necessary for better support for the groundwater protection programs.

Mr. Musick described the second handout titled "State of Texas Comprehensive Approach to Groundwater Protection" as the two page fact sheet that TNRCC staff prepared and provided to the Ground Water Protection Council for inclusion in the report. TNRCC staff relied heavily on information from the Texas Water Development Board and publications that the TGPC has put together. The fact sheet is general in nature and provides information about the importance of groundwater and groundwater protection in the state. The fact sheet identifies some of the issues and needs for an enhanced program in Texas.

Of these areas it was identified that monitoring programs are weak in assessing the potential for contamination of private domestic wells and shallow wells. The second item is the widespread data to indicate significant nitrate in groundwater across Texas. While there is a lot of debate as to the source of that nitrate and the mechanisms for its migration to groundwater, it is an area that we think could benefit from additional research and funding. Another item was the lack of ambient monitoring in the state for the synthetic

compounds including organics and pesticides. A significant need for GIS or location data was identified for all kinds of groundwater related information- water wells, facilities and contamination sites.

The EPA is preparing the main body of the report. Mr. Musick reported that a draft of the report had been circulated to EPA's work group in late July. A final draft has not been reviewed by the TGPC.

Phil Nordstrom (TWDB) noted an error in the Texas summary. He indicated that while there are 51,000 wells with "good" data in their database, only 3,400 are sampled in their five year program. Mr. Musick indicated that this would be corrected.

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

Ms. Ambrose called on Kelly Mills, TNRCC, to brief the TGPC on current Priority Groundwater Management Area (PGMA) program efforts. Mr. Mills noted that the TNRCC was working on several PGMA update studies and doing some work in a couple of the designated PGMA's. The TNRCC is currently working to complete updates for the East Texas and Trans-Pecos areas and is striving to complete this effort by September. The TNRCC will address the other three update studies in the next fiscal year. The TWDB has provided its study of the Williamson and Adjacent Counties area and is currently working to finalize the last two updates. The Texas Parks and Wildlife Department (TPWD) has supplied all five of its studies for the update areas.

The TNRCC has initiated informal contact with county officials and adjacent groundwater conservation districts (GCDs) in the Reagan, Upton, and Midland County PGMA. An informal meeting is currently being planned with these officials to discuss TNRCC's planned procedure and to solicit initial comments. Mr. Mills noted that the TNRCC planned to initiate informal contact in the Swisher, Briscoe, and Hale County PGMA in the near future. Mr. Mills was asked if the TNRCC would be looking at all three counties in the Swisher, Briscoe, and Hale County PGMA. He noted that Hale County had been annexed into the High Plains Underground Water Conservation District No. 1, and that the TNRCC would only be looking at Swisher and Briscoe Counties.

Mr. Mills reported that the TNRCC had been petitioned by the City of Grey Forest and landowners in Bexar County to add the Trinity Group aquifer portion of Bexar County into the Hill Country PGMA. He noted that stakeholder notice was mailed out on July 9, and that the comment period will end on July 26. Data had also been requested from the TWDB and TPWD. He noted the TNRCC will be working to complete its report as soon as possible.

Mr. Mills noted that the Texas Alliance of Groundwater Districts (TAGD) has recently published the *Groundwater District Operations Manual*. He noted the manual was intended to serve as an operations guidance document for newly created GCDs. The published documents should be in from the print shop today and will be delivered to the TAGD toward the end of the month.

Ms. Ambrose asked Mr. Mills to provide a recap of 76<sup>th</sup> Legislative action on the TGPC legislative recommendations. Mr. Mills referred to Handout #10. He noted that the TGPC had provided five major recommendations to the 76<sup>th</sup> Legislature: 1) funding for developing and implementing the pesticide specific SMPs; 2) requesting a rewrite or amendment of §36.117, Water Code, pertaining to permit exemptions from GCD authority; 3) streamlining portions of the GCD creation procedure in the PGMA process; 4) adding the Texas Department of Licensing and Regulations (TDLR) Water Well Drillers and Pump Installer program as a member of the TGPC; and 5) providing resources to develop educational programs geared toward wastewater reuse and the closure of abandoned water wells. So far as final Legislative action, the 76<sup>th</sup> Legislature acted favorably on the recommendation to add TDLR and the Water Well Drillers program to the TGPC. The Legislature also took limited action in amending §36.117, Water Code, by removing the exemption for jet wells. Mr. Mills noted that the other three TGPC recommendations were not addressed by action of the Legislature.

Ms. Ambrose asked if any of the Members wished to add anything regarding Legislative action of interest to the TGPC. She said that House Bill 1074 requires public notification of sewage discharges into surface waters. The TNRCC has completed a draft set of rules. They were either published this week or will be published next week in the *Texas Register* for comment. They require that the owner or operator of the wastewater treatment plant that has a spill report the spill to the media and to their local government so that potential adverse affects to public drinking water supplies are known to the public. This also includes spills affecting groundwater.

There were also two bills passed related to onsite wastewater treatment which allow local counties or authorized agencies to have more enforcement authority. When Chapter 7 of the Texas Water Code was rewritten they were inadvertently left out. They had this authority before and now have been reauthorized.

The TNRCC is also working on implementing Senate Bill 1323. The TNRCC will develop the form and rules that local counties or municipalities may use if they wish to require groundwater availability certification attached plat applications.

Barry Miller, TAGD, said there were a couple of bills that altered some GCD powers. Ms. Ambrose asked Mr. Miller if he is tracking the implementation of Senate Bill 1911. He said he was not tracking it. Mr. Miller noted that several areas that withdrew from SB1911 are hesitant to approach the TNRCC regarding GCD creation. Steve Musick added that 13 temporary Districts had been created during the last Legislative Session by SB1911.

Steve Wiley said that a bill was passed that eliminated the licensing of dewatering well drillers. They must continue to follow the applicable regulations but do not need to be licensed.

**VI. Announcements****TNRCC Rules Update**

Ms. Ambrose noted items of interest to the TGPC in the TNRCC rule log (Handout #11). The risk reduction rules, discussed at the last TGPC meeting, are scheduled for the September 2<sup>nd</sup> TNRCC Work Session for discussion for adoption. The onsite wastewater rules review has been completed and the TNRCC has approved publication. The TNRCC solicited and expects comments from the public as to how the onsite rules should be revised.

Mr. Musick said that the Ground Water Protection Council had scheduled their annual technical forum meeting on Sept 18th-21st in Rhode Island.

Ms. Ambrose said that the Edwards Aquifer Rules, passed last fall, became effective June 1, 1999. A manual is available on the TNRCC's web site to aid the public with implementation and technical design and best management practices issues. A manual to help the public with the administrative aspect of the rule's implementation is also available. This manual will help the public with issues such as what forms are required, and when a plan is, or is not, required by the TNRCC. The Edwards Aquifer Rules boundaries were also expanded to county boundaries beyond the existing boundaries to address the quality of water coming in from contributing watersheds into the recharge zone of the Edwards Aquifer.

Donnie Dippel, TDA, said that the Surface Water Protection Committee will meet in Temple on August 21<sup>st</sup> at the Blackland Research Institute. He added that the Texas Farm Bureau is sponsoring a Food Quality Protection Act conference in Lubbock on August 14<sup>th</sup> and 15<sup>th</sup>. The new Food Quality Protection Act will now address pesticides in drinking water.

**VII. Public Comment**

Ms. Ambrose asked if there was any public comment. There was none.

**VIII. Adjourn**

There being no more business or discussion, the meeting was adjourned at approximately 1:55 p.m.