

The Chair called the FY 94, third quarter meeting of the Texas Groundwater Protection Committee to order in Room 103 of the Reagan Building. The Texas Department of Health was not represented.

ITEM II. Subcommittee Reports

Agricultural Chemicals

The Chair called on Steve Musick, Texas Natural Resource Conservation Committee (TNRCC), Chair of the Agricultural Chemicals Subcommittee, who reported the subcommittee has not yet held its third quarter meeting which should be scheduled for the end of May.

Mr. Musick indicated that the Subcommittee's three Task Forces have been active since the last Committee meeting. The Public Education Task Force is nearing completion of the first draft of its State Management Plan (SMP) educational brochure. The Well Site Selection Task Force is preparing for summer sampling; contacting well owners, finalizing the landowner questionnaire and preparing QA procedures. The recently activated SMP Task Force, chaired by TDA, is developing its agenda and organization.

The QA procedures have been prepared and are awaiting final EPA approval. The recently activated SMP Task Force, chaired by TDA, will be responsible for revising the generic SMP which were released in 1991.

Several members of the Subcommittee attended EPA's presentation on the Final SMP Guidance held April 12-13, in Dallas. A report on this meeting is a separate agenda item for the Committee. EPA's guidance was very minimal. Issues of significant concern raised by EPA included: State executive level of concurrence will be required for the generic SMP and incorporation of urban management of pesticides in the chemical-specific SMPs. State concerns included burdensome requirements and continual changes in SMP objectives and requirements by EPA resulting in frequent new initiatives without funding or adequate justification.

The Chair asked Steve Musick, TNRCC, to brief the Committee on the status of this item. At the landowner level the QA procedures are prepared and are nearing final EPA approval. Also the State Management Plan Task Force, chaired by TDA, will be responsible for revising the generic State Management Plan which was put out in 1991.

Finally, several members of the subcommittee attended the EPA presentation on the final guidance for the State Management Plans, held in Dallas April 12 - 13. Details on this item are scheduled later on the agenda by Steve Bearden with TDA.

Data Management Subcommittee

The Chair called on Bob Blodgett, TNRCC, Chair of the Data Management Subcommittee, who

reported on the progress of the ground-water data dictionary.

Mr. Blodgett reported that their subcommittee has not met in this past quarter. A meeting is planned for the end of this month. The main function of the Subcommittee group will be to review the Texas Ground Water Data Dictionary. The document consists of 140 data elements and over 40 look-up tables. These tables constitute the bulk of this document including codes for underground water conservation districts, state agencies, etc. Every effort is being made to make this as user friendly as possible. This document will be reviewed by the Subcommittee one final time and it will then be circulated to the consulting community, agencies, hydrogeologists and others who have volunteered to review it.

Steve Musick, TNRCC, stated that EPA, Region VI, is very interested in taking a look at this document. He suggested the possibility of a concurrent review of the document by EPA and the consulting community and it was agreed that this would be discussed in the near future.

Mr. Blodgett indicated that the document, which is to be prepared both in digital form and in paper form, should be finalized by September 1994.

ITEM III. Presentation - Beade Northcut, with the Texas State Soil and Water Conservation Board (TSSWCB), gave a presentation on their Agricultural and Silvicultural Water Quality Management Program.

Senate Bill 503 (73rd Texas Legislature) authorized the program which deals with the development of site-specific water quality management plans for individual agriculture producers. Senate Bill 503 directs the TSSWCB to establish the criteria by which these plans would be developed. The plans are developed in accordance with available technology and established TNRCC water quality standards. A technical publication, the Field Office Tech Guide, developed primarily by the Soil Conservation Service of USDA, is also used in this effort. This publication includes references and impacts of various practices relating to water quality. Soil and water resource information is included in this guide and are tailored to each Soil and Water Conservation District. Specifically, a section deals with resource management systems which the TSSWCB has established as a criteria for a water quality management plan.

The plans are developed with the agriculture producers to meet the requirements of the resource management system as well as the practices indicated in the Tech Guide needed for the specific management plan. Once the agriculture producer has a plan in place, implementation will begin in the necessary sequence.

Subsequently, the Soil Conservation Service will sign-off on the plans. The local Soil & Water Conservation District will then sign-off, indicating the plan is in accordance with their program's plan.

Finally, the TSSWCB will certify it as a Water Quality Management Plan. The individual agriculture producers will then be responsible for the installation, operation, and maintenance of the plan. This provides the agriculture producers voluntary participation in the water quality protection for the State of Texas.

The TSSWCB is working to get all rules in place allowing the program to get underway.

Senate Bill 503 did not provide TSSWCB regulatory authority; TSSWCB has been responsible for nonpoint source agricultural and silvicultural pollution for several years. Some activities, such as the confined animal feeding operations of a size requiring a permit, are considered a point source and are not a part of this program. The TSSWCB will be working with nonpoint source agriculture operations who, due to their size, do not require a TNRCC permit.

Based on concerns identified in previous 319 assessments and water quality problems, the legislature appropriated money for five regional offices. TSSWCB established the first in Dublin; a second is now operational in Hale Center; and a third will be located in northeast Texas, possibly in Mt. Pleasant. The location of the last two regional offices, scheduled for next year, is still to be determined. Two regions of concern are the Lower Rio Grande Valley and the Rice Belt, west of Houston.

The Chairman brought up the question of the Field Office Tech Guide, specifically the soil erosion section on low till or no till to prevent soil erosion. She offered the opinion that this can enhance the movement of pesticides into ground water that would otherwise run-off the surface. She asked if there is some way of balancing this, possibly by the field office. Mr. Northcut replied that this would be a site specific balance. He cited, as another example, a situation where level terraces, which tend to hold surface run-off, prevent erosion, and retain the natural moisture received. This also results in increased percolation possibly enhancing the movement of chemicals to the water table. Mr. Northcut reiterated that he feels the Field Tech Guide is a good standard because it is tailored for each soil and water conservation district. One practice can be beneficial for surface water quality and detrimental for ground water and visa versa. In some cases a decision is made to protect the surface water; in other cases the ground water will be the biggest concern.

Senate Bill 503 includes a cost-share program to off-set any costs to the agriculture producers in the implementation of the program. The cost-share program, as provided in the legislation, is not to be used in conjunction with other cost-shares, but it authorizes the TSSWCB to make exceptions. There will be cases where leverage would be valuable in getting a particularly high cost item in place and treating the water quality problem. ASCS has their own policies which do not allow cost-shares to be intermingled. This is a safeguard to see that no one collects twice for a practice. Where there is limited cost-share and a high cost item, producers, even though they might be getting 65% cost-share, could possibly receive through the TSSWCB efforts, 10% from the State to offer compensation for costs. This would have to be worked in conjunction with other cost-share programs.

Cost-share was not available for implementation purposes under 319. It was only available for demonstration purposes. There is a proposed amendment that would pattern the National Water Quality Program closely after 503 activities.

The Chairman questioned whether the TSSWCB is planning to make the cost-share available for implementing the state management plan for pesticides in ground water once some of the chemical specific management plans are in place. Mr. Northcut replied that cost-share should be

available in any area where water quality problems are identified. Water Quality Management Plans are not a statewide application. They are for areas that have been identified as having water quality problems or the potential for such problems caused by agricultural and/or silvicultural activities. The TSSWCB has designated certain areas in which the program will be activated. Cost-share will be available in those areas first.

A request was made for a copy of the rules for implementation of S. B. 503 and a list of areas that have been identified as priority areas to be demonstrated with the minutes of this meeting. The Chair indicated that this would be provided.

ITEM IV. Business - Discussion Committee Public Education - Outreach Efforts

The Chair led a discussion on the progress of the Groundwater Protection Committee's educational brochure and provided a draft in the form of a handout. Comments were requested from the Committee. It was suggested that information on obtaining the annual Joint Groundwater Monitoring and Contamination Report should be included in the brochure. Also, it was suggested that the topic, "Groundwater Protection Strategies" follow directly after the bullet items contained in "Major Responsibilities." Ms. Ambrose acknowledged this input and indicated that, pending general approval of the brochure by the committee, the document will be printed for distribution.

The Chairman then raised the question as to whether the Committee was still interested in a more detailed directory providing basic information on the programs of the various agencies making up the Committee along with contact names, telephone and fax numbers.

The members agreed that this would be very helpful. The Chair indicated that an effort will be made to provide this in draft form at the next meeting.

State Ground-Water Protection Program - Core Program Assessment

Steve Musick reported that the Core Program Assessment previously submitted to EPA is currently undergoing review. EPA has previously reported that they would neither endorse nor approve the Core Program Assessment.

ITEM V. Announcements and Information Exchange for Other Ground Water Related Activities

Status Update - Joint Groundwater Monitoring and Contamination Report

The Chair called on Kelly Mills, TNRCC, to give the status of the 1993 Joint Groundwater Monitoring and Contamination Report. Mr. Mills reported that the final draft of this report was taken to TNRCC Graphic Arts on May 3. Publication is expected to be completed by June 10. Mr. Mills thanked the members and asked them to relay his appreciation to their staff for their timely submittal of materials for inclusion in the Joint Report.

Other Announcements

The Chair asked Steve Bearden, Texas Department of Agriculture, to address the Committee about the EPA-State (FIFRA) Meeting in Dallas held on April 12-13, 1994. There were several issues discussed at length and were a major concern for all Region 6 State Representatives in attendance.

They were;

- 1) the upgrading of the State Management Plans (SMPs) and its recommended use as a reference guide for all Pesticide Specific SMPs;
- 2) EPA's condition for `concurrence' of SMPs and PSSMPs would require sign-off of the upper level management from each agency. EPA feels this will minimize misunderstandings;
- 3) funding, there is no additional funding available and that part of funding that is available there is less of it being allocated; and,
- 4) inclusion of household (non-agricultural) pesticides in the SMP initiative is a concern of all States. This will prove to be a burdensome financial task for each state.

The SMP Rules are expected to be published by September 1994. At this point, everyone involved will have an opportunity to comment on the final document which should be in place a year later. There will then be a two-year period for the State to have the specific plans for the five pesticides that are selected by March 1997. It was generally agreed that this is an extremely short time frame considering the resources and funding available for all the States for these five plans.

Public Comment

None.

ITEM VI. Adjourn

There being no other business or discussion, the Chair adjourned the meeting at 11:20 a.m.

Compiled by Steve Musick, TNRCC