

Texas Groundwater Protection Committee

Record of Meeting

Fourth Quarter Meeting, Fiscal Year 1996

Meeting Date: August 22, 1996

Place: Building F, TNRCC, Park 35 Meeting No.: 28 Room: 2210

TABLE OF CONTENTS

MEETING ATTENDANCE
COMMITTEE HANDOUTS

MEETING RECORD OF AUGUST 22, 1996

I. CALL TO ORDER AND INTRODUCTIONS

II. SUBCOMMITTEE REPORTS

Agricultural Chemicals
Data Management
Water Well Closure
Nonpoint Source
Legislative Report

III. Presentations - Drought Concerns Update

Tony Bagwell, TWDB - State Drought Conditions
Steve Walden, TNRCC, Water Utilities Division
Raymond Slade, United States Geological Survey
Agency Roundtable on Drought Issues

IV. Business - Discussion and Possible Action

Committee Report to the 75th Legislature
Comments on the EPA State Management Plan
Draft Rules Set Future Meeting Dates

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

Comprehensive State Ground Water Protection Program Development

Committee Publications

Annual Joint Groundwater Monitoring and Contamination Report
Texas Ground-Water Data Dictionary
Texas Groundwater Program Directory

Texas Water Quality Inventory Report Status

VI. Announcements

TNRCC Rules Update

VII. Public Comments

VIII. Adjourn

MEETING ATTENDANCE

Committee Members	Affiliation
Mary Ambrose	TNRCC
Phil Nordstrom	TWDB
Richard Ginn	RCT
Donnie Dippel	TDA
Beade Northcutt	TSSWCD
Wayne Jordan	TAES
Bill Mullican	BEG
Bill Couch	TAGD
Elias Briseno	TDH

Guest Speakers

Tony Bagwell	Texas Water Development Board
Steve Walden	TNRCC/Water Utilities Division
Raymond Slade	U.S. Geological Survey

Agency Staff	Affiliation	Program
Steve Musick	TNRCC	WP&A/Ground-Water Assessment
Kelly Mills	TNRCC	WP&A/Ground-Water Assessment
Cary Betz	TNRCC	WP&A/Ground-Water Assessment
Margaret Hart	TNRCC	WP&A/Ground-Water Assessment
Kitty Malus	TNRCC	WP&A/Ground-Water Assessment
Anne Miller	TNRCC	PST/Resp. Party Remediation
Ambrose Charles	TDA	
Bruce Lesikar	TAEX	
Lloyd Woosley	USGS	
Robert Ozment	TWDB	
Dennis Clark	TAGD	Emerald UWCD

Interested Parties	Affiliation
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Lynn Wright
Janet Hamilton

Brown & Caldwell
Akin Gump

COMMITTEE HANDOUTS

1. Meeting Agenda
2. Agricultural Chemicals Subcommittee Report
3. Ground-Water Nonpoint Source Workgroup Update
4. Draft TGPC Report to 75th Legislature
5. Table of amendments to draft legislative report since August 7, 1996
6. Draft Legislative Recommendations
7. State Drought Conditions (by TWDB)
8. Drought Reference Manual (by TNRCC)
9. 1996 Texas Drought Information (by USGS)
10. Committee Publication Status Update
11. TNRCC Rules Tracking Log

MEETING RECORD OF AUGUST 22, 1996

I. CALL TO ORDER AND INTRODUCTIONS

Mary Ambrose, TNRCC, Designated Chairman of the Committee, called the meeting to order at 1:37 p.m. All members were present. A copy of the meeting's agenda was provided as Handout #1.

II. SUBCOMMITTEE REPORTS

Agricultural Chemicals

The Chair called on Steve Musick, TNRCC, Chairman of the subcommittee. Mr. Musick provided a summary of the subcommittee's August 22, 1996, FY 1996 fourth quarter meeting (Handout 2). The Site Selection and Education Task Forces provide update to the subcommittee at its fourth quarter meeting. The Site Selection Task Force reported that FY 1996 sampling was completed in July. Fourteen private irrigation wells in the Brazos River Alluvium were sampled. Preliminary lab results indicate that there were no confirmed detections for atrazine. The Education Task Force reported that presentations of the generic Texas State Management Plan (SMP) have been scheduled for upcoming nonpoint source and agricultural conferences.

EPA's recent publication of the draft SMP rule was the primary item addressed at the meeting. The discussion centered on needed comments to the draft federal rule and on related issues. The draft SMP rule was published on June 26, 1996. The comment period closes on October 24, 1996. An EPA SMP draft rule workshop is scheduled in Washington D.C. August 26 & 27, 1996. The subcommittee proposed to prepare comments on the draft rule for the full-Committee's review, approval, and submittal to EPA. The subcommittee requested that if the

Committee's meeting schedule prohibited the Committee from considering the subcommittee's prepared comments, the subcommittee be allowed to submit the comments.

A second item of discussion related to the efforts of the Legislative Report Subcommittee. The subcommittee discussed the draft recommendation requesting the Legislature authorize a fee for the development of the pesticide-specific SMPs. The subcommittee supported such a fee and believed that such funding would enable the participating agencies to make progress toward the implementation of the SMP. The subcommittee tasked Mr. Musick and Dr. Wayne Jordan, TAES, to finalize a draft recommendation for the Legislative Report Subcommittee.

Data Management

The Chair called on Mr. Musick to provide a status update for the subcommittee. Mr. Musick reported that the subcommittee has not been active. He also reported that the TNRCC's new publication process has slowed down the publication of the 305(b) report.

Water Well Closure

The Chair reported that resources have not allowed the task force to initiate actions. She, Mr. Musick, and the Co-chairs (Steve Wiley, TNRCC, and Monty Dozier, TAEX) are currently working to compile a membership list for the task force.

Nonpoint Source

The Chair called on Margaret Hart, TNRCC, Chair of the subcommittee. Ms. Hart provided an update for the members (Handout 3). Four items were discussed. The EPA 319(h) grant process for FFY 1997 is continuing. Proposals were submitted to the TSSWCB and the TNRCC; the two agencies submitted work plans to EPA. The final award is scheduled for November 1996.

Draft updates of the Texas Nonpoint Source Assessment Report and the TNRCC Nonpoint Source Management Plan are to be submitted to EPA on August 27, 1996. The drafts were produced after the review of data submitted by other agencies and entities. EPA is to review and provide feedback on format, content, and technical merit of the documents. A public comment period is to begin in September, 1996; the documents are expected to be submitted (to EPA) in their final format by February, 1997. The management plan covers the period from 1998 through 2001. Areas identified in the assessment report and best management practices (BMPs) identified in the management plan will be eligible for funding in FFY 1998.

EPA Region VI is sponsoring the 8th annual Tri-Region Nonpoint Source Program Meeting in Bandera, Texas. The meeting will be from September 3 through 6, 1996 at the Mayan Ranch.

Ms. Hart noted that it is the end of the fiscal year. Information for the annual update of the nonpoint effectiveness report is due shortly after the end of FY 1996. She will send written notice of this reporting requirement soon.

Legislative Report

The Chair reported that the subcommittee had met twice; the first meeting was on August 7, 1996, and the second meeting was August 22, 1996. The scope of recommendations and needed changes on the prepared draft, and the development of draft recommendations and assignment for their development were discussed at the first meeting. The second meeting centered entirely on the development of draft recommendations. The subcommittee is committed to having their efforts completed by October 1, 1996, and publishing and delivering the report prior to the Legislative session. Three handouts were provided: the draft report (Handout 4), a table showing amendments and changes in the draft report since August 7, 1996 (Handout 5), and the draft recommendations (Handout 6).

III. Presentations - Drought Concerns Update

Tony Bagwell, Texas Water Development Board - State Drought Conditions

The Chair introduced Tony Bagwell, TWDB. Mr. Bagwell provided Handout 7 (State Drought Conditions). Mr. Bagwell noted the need for state drought management planning is a very important issue. He also noted the timing of the drought was well-time as far as getting the state's leaders attention.

Mr. Bagwell noted the TWDB utilized the Palmer Drought Index (PDI) to assess current and forecast future conditions. He noted the PDI is very good at addressing agricultural conditions, but not as useful for addressing surface water (reservoir storage) and groundwater conditions.

Mr. Bagwell noted potential drought impacts on water suppliers include elevated water demands, facility capacity problems, equipment failures, water shortages, and water quality problems. Mr. Musick asked if any certain area of the state was experiencing significant problems. Mr. Bagwell replied that the area utilizing the Trinity Group aquifer as having lots of difficulties.

Mr. Bagwell noted that state drought response activities include monitoring of climatological data, monitoring of local water supply conditions, providing technical assistance, providing regulatory assistance and relief, and providing public information and awareness.

Steve Walden, TNRCC, Water Utilities Division

The Chair introduced Steve Walden, TNRCC, Water Utilities Division, Public Drinking Water Section. Mr. Walden provided a drought reference manual (Handout 8). Mr. Walden noted the formation of a multi-agency drought task force in conjunction with the Governor's office. He noted that due to drought conditions (starting in May through August) many public water supply (PWS) systems could not maintain their storage capacities. The TNRCC, in conjunction with the task force, have held 17 or 18 drought management workshops for PWS system operators. Mr. Walden noted that drought conditions increase the likelihood of distribution system pressure loss which can cause the inability to practice basic hygiene (washing, flushing, etc.); allow backflow and siphonage of contaminants from cracks, leaks, and cross connections; and reduce fire protection. To mitigate these harmful effects, the TNRCC's Public Drinking Water Program is participating in three primary elements of the State's Drought Contingency Plan: 1) the

TNRCC is working with the TWDB in educating public water suppliers in conservation management and demand practices; 2) the TNRCC is assisting public water suppliers in evaluating and approving alternate water sources; and, 3) the TNRCC is providing technical assistance to public water suppliers regarding safe operational practices should water outages occur. Crisis management is designed into the system.

Mr. Walden noted there were over 46,000 community water systems within the state. Due to the drought, between 50 and 100 public water systems have had outages or are facing looming outages. The TNRCC Public Drinking Water Program is maintaining a database of PWS systems experiencing problems (systems with outages). He noted the main problem area seems to be 100 miles on either side of Interstate 35, from Austin to Denton, and the Paluxy aquifer seemed to be have the most serious problems. He noted problems were also developing in the Rio Grande Valley.

Mr. Walden noted there were two legislative issues and the legislature appears to be very interested in addressing these issues. The issues are water rights and municipal suppliers with limited resources. Mr. Walden noted the state is getting through the drought and overcoming adversity through agency communication. He noted also that organizationally, the state is in pretty good shape.

Raymond Slade, United States Geological Survey

The Chair introduced Raymond Slade with the U.S. Geological Survey. Mr. Slade provided information of the 1996 Texas drought (Handout 9) and gave an overview of historic drought conditions. Mr. Slade noted that to date, 1996 has been the third driest year (statewide average) on record (since 1985) and had the driest first five months on record. He noted streamflows were suffering severely. He reported the USGS was working with the TWDB on Texas drought issues.

Agency Roundtable on Drought Issues

Beade Northcutt, TSSWCB, noted the Soil Board has been represented at the drought meetings. He also noted the TSSWCB was created in direct response to the drought of the 1930s.

Elias Briseno, TDH, reported his agency is available as a conduit for the dissemination of information.

Bill Couch, TAGD, noted the Alliance was not addressing the drought as a group but individual districts were taking necessary actions independently. He also noted, that as a mayor, he could attest to emergency drought plans being effective.

Richard Ginn, RCT, said the drought had not directly affected those under the Railroad Commission's jurisdiction, and the Railroad Commission was not addressing the drought.

Donnie Dippel, TDA, noted the tremendous effects of the drought on hay, crop, and cattle production.

Wayne Jordan reported that the TAES has assigned a task force to help the agricultural sector. Educational materials have been distributed on the impact of the drought on stocking rates or stocking rates on land and usage. TAES is also addressing nutritional and livestock quality issues. These materials have been distributed to all county agents.

IV. Business - Discussion and Possible Action

Committee Report to the 75th Legislature

The Chair referred the members back to Handout 6 (draft legislative recommendations). Nine draft recommendations have been compiled by the Legislative Report Subcommittee for the full-Committee's consideration. The Chair opened the floor, to everyone in attendance, for discussion.

Dennis Clark, Manager, Emerald Underground Water Conservation District, brought Topic 2 (Use of Fresh Water for Secondary Recovery) to the floor. Mr. Clark stated that he worked with the subcommittee in the development of this recommendation. He noted that an application for a secondary recovery well had recently been made in Crockett County. He noted his concern that secondary recovery was not the wisest use of this limited resource (groundwater). Mr. Clark noted that well exemptions in Chapter 36 for secondary recovery do not place these individuals on the same playing field as everyone else. He noted that some people are using these exemptions to sell water and the exemptions need to be removed or clarified. Mr. Couch noted the language of the exemptions create confusion regarding well registration versus permitting. He also noted that the terminology used related to oil and gas water wells was confusing. Mr. Ginn agreed that the exemption section should be looked at and that groundwater districts should have some control. Mr. Clark noted that he had brought the issue to the Railroad Commissioner's attention.

Mr. Ginn noted that a survey on secondary recovery was being conducted by the RCT on a project-by-project basis. Mr. Ginn noted that the RCT did not have accurate information on fresh-water use for secondary recovery. He noted that a pilot project was being conducted in Yoakum County. Most secondary recovery is conducted in the Panhandle and the Permian Basin. The RCT has the fresh-water use application questionnaire to require estimates on fresh-water needs and assessment of other sources of water which could be utilized. The fresh-water questionnaire is ten years old and was last updated in 1993. The update is being made to obtain more accurate information. Mr. Ginn noted that statute is very clear in defining secondary recovery as a beneficial use. Mr. Musick asked if this would require a rule change. Mr. Ginn replied that it is an internal procedural change. Mr. Ginn noted that this is an agency issue rather than a legislative issue. Mr. Musick asked if the TNRCC could review and comment on the improvements in the application process. Mr. Ginn replied that the efforts should be completed within a month, and he would supply a copy of the draft. Mr. Couch noted that the districts would also like to review and comment on the improvements in the application process.

After discussion, the Committee decided not to pursue this issue as a legislative recommendation, as the RCT is currently addressing the problem.

Mr. Ginn brought Issue 3 (Statewide Rule 8, Chloride Disposal) to the floor. Mr. Clark noted this was a very large concern in his part of the state. Mr. Clark noted that there are 300 chloride disposal pits within his district with chloride levels up to 182,000 parts per million. Mr. Ginn reported that proposed rule changes have been drafted on oil and gas wastes, and a comment period is inherent in the process. Mr. Ginn noted that chloride disposal practices are being reviewed in the rewrite of the rule. Mr. Couch asked for a time-frame for the rewrite. Mr. Ginn noted it is to be done over the next year. The Chair asked if there were any working groups or other chances to comment on the rewrite prior to the Texas Register comment period. Mr. Ginn noted comments can be given on the informal draft. The Chair asked for Mr. Ginn to report on progress of the rule's rewrite as it develops. Mr. Ginn agreed to do so.

The Committee decided not to pursue this issue as a legislative recommendation as the RCT is addressing the issue in rulemaking.

Mr. Couch brought Issue 4 (Chapter 36, Water Code; Exempt Wells) to the floor. Mr. Couch noted the 25,000 gallon per day exemption creates a trend in the Edwards aquifer area where developers do not emplace PWS systems and leave securing a source of water to the owners. Mr. Musick noted this same concern has been voiced in Blanco, Kendall, and Bandera Counties; that average well yields in the Hill Country Critical Area (Trinity Group aquifer) are below this limit. He noted this limit would make most wells in this area outside of potential district's authority and has discouraged potential district creations in this area.

After discussion, the Committee advised Mr. Couch and Mr. Musick to pursue the development of this draft recommendation in conjunction with the Legislative Report Subcommittee.

The Chair asked for discussion on the other issues. Mr. Ginn brought Issue 7 (Closure of Abandoned Wells) to the floor. Mr. Ginn noted the Committee provided recommendations to the 73rd and 74th Legislatures on this issue and that legislative action has not been taken. The Chair noted the draft recommendation will place collection of fees upon the districts and the drillers and noted that the Texas Water Well Drillers Advisory Council will adamantly oppose this aspect (drillers becoming fee collectors).

After discussion, the Committee concluded that the problems associated with abandoned wells is a significant issue. The Committee advised the Legislative Report Subcommittee to continue with the draft recommendation, but to remove references to the collection of fees.

The Committee advised the Legislative Report Subcommittee to continue the development of recommendations for the following issues: State Drought Management Planning (Issue 1); Wastewater Authority for Groundwater Conservation Districts (Issue 5); Development of Pesticide-Specific State Management Plans and Extended Education Program (Issue 6); Critical Area Program/District Creations (Issue 8A); Critical Area Program Funding (Issue 8B); and, Continuing Mandatory Education for Water Well Drillers and Pump Installers (Issue 9). The next scheduled meeting of the subcommittee is set for September 12, 1996.

Comments on the EPA State Management Plan Draft Rules

The Chair called on Mr. Musick, representing the Agricultural Chemicals Subcommittee. Mr. Musick proposed the Committee consider approving the comments prepared by the subcommittee (on EPA's draft SMP rules). Mr. Couch moved the Committee approve the comments as they stood. Mr. Dippel seconded the motion. A vote was taken and the comments were approved. Mr. Musick was tasked to see that the comments made their way to EPA in a timely manner. He accepted the task.

Set Future Meeting Dates

After a brief discussion, the fiscal year 1997 first quarter meeting was scheduled to be held on October 3, 1996. Mr. Couch noted he will have a conflict on that date, but would seek to have a TAGD representative present.

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

Comprehensive State Ground Water Protection Program Development

The Chair called on Mr. Musick for an update on CSGWPP development. Mr. Musick reported the Streamling Workgroup was active. The workgroup includes a Core Assessment Workgroup. The workgroup is addressing flexibility issues and requests, working on a better definition of fully integrating, and addressing performance partnership grant (PPG) issues.

Committee Publications

The Chair called on Kelly Mills, TNRCC, to give an update on Committee publications. Mr. Mills provided Handout 10 (Committee Publications Update). Mr. Mills reported the TNRCC's new publication process was still attempting to become efficient. At this time, Office of Water Resource Management (OWRM) publications (which the Committee's publications are falling under) are given priority based on: grant commitments, legislative mandates, and the date documents were sent for edit. After this point, OWRM documents must compete with documents from the other TNRCC offices.

Annual Joint Groundwater Monitoring and Contamination Report

Mr. Mills reported the published 1995 Joint Report was delivered from the printshop on July 11, 1996 and mailed the same day to the Legislative Library. The report was mailed out to Committee members, agencies, interested parties, groundwater districts, county judges, and county health officials on July 24, 1996. Efforts are ongoing to load the report to the Internet.

Texas Ground-Water Data Dictionary

Mr. Mills reported the data dictionary was sent for edit on May 21, 1996 and sent to the printshop on July 30, 1996. Publication should be finalized before the end of September, 1996.

Texas Groundwater Program Directory

Mr. Mills reported the directory was sent for edit on July 1, 1996 and should be back from editing any day. Publication should be finalized before the end of October, 1996.

Texas Water Quality Inventory Report Status

The Chair called on Mr. Mills for a status update of the 305(b) report. Mr. Mills reported the document was sent for edit on June 26, 1996. Publication is expected before the end of October, 1996.

The document is currently undergoing a significant peer-review process.

VI. Announcements

TNRCC Rules Update

The Chair provided Handout 11 (TNRCC Rules Tracking Log). The Chair noted revisions to the Edwards Aquifer Protection rules and noted public hearings will be held in San Antonio on September 4, 1996 and in Austin on September 10, 1996. She further noted the comment period on the Water Well Drillers rules had expired. In addition, she noted the Aquifer Storage and Recovery (ASR) rules, Phase I, were adopted in May. ASR Phase II rules are scheduled to be adopted in late September 1996. She noted the comment period for the on-site rules had been extended until September 30, 1996.

Mr. Musick announced the EPA SMP meeting in Alexandria, Virginia on August 26 and 27, 1996.

Mr. Musick announced the TNRCC Hazardous Waste Seminar in Arlington, Texas on September 18 and 19, 1996.

Mr. Musick announced the TNRCC 10th annual municipal solid waste conference, Options for Texas, in Austin from December 11 to 13, 1996.

Bob Blodgett, TNRCC, announced the Safe Drinking Water Act has been signed and is now ready to be implemented. It will now require surface and groundwater quality protection.

VII. Public Comments

None

VIII. Adjourn

The Chair adjourned the meeting at 4:34 p.m.

Prepared by: Steve Musick