

## **Texas Groundwater Protection Committee**

Record of Meeting

Third Quarter Meeting, Fiscal Year 1997

Meeting Date: May 8, 1997

Place: Building F, TNRCC, Park 35 Room: 2210

Meeting No.: 31

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## MEETING ATTENDANCE

<b>Committee Members</b>	<b>Affiliation</b>
Mary Ambrose	TNRCC
Phil Nordstrom	TWDB
Richard Ginn	RCT
Donnie Dippel	TDA
Beade Northcut	TSSWCD
Wayne Jordan	TAES
Bill Mullican	BEG
John Jacobi	TDH

### Guest Speaker

Scott Crouch, TNRCC, Pollution Cleanup Division  
Jerry Collins, Environmental Protection Agency (EPA) Region 6

<b>Agency Staff</b>	<b>Affiliation</b>	<b>Program</b>
Steve Musick	TNRCC	WQUAL/Ground-Water Assessment
Kelly Mills	TNRCC	WQUAL/Ground-Water Assessment
Cary Betz	TNRCC	WQUAL/Ground-Water Assessment
Kitty Malus	TNRCC	WQUAL/Ground-Water Assessment
Bruce Calder	TNRCC	MSW Division/Ground-Water
Marilyn Long	TNRCC	MSW Division/Ground-Water
Paul Lewis	TNRCC	IHW Division
Ambrose Charles	TDA	
Jeanette O'Hare	TDA	
Phil Tham	TDA	

### Interested Parties

	<b>Affiliation</b>
Denise Rhodes	Consultant, Austin
Pat Havens	DowElanco
Chris Stone	(none given)

## COMMITTEE HANDOUTS

1. Meeting Agenda
2. FY97 First Quarter Meeting Minutes
3. Current Texas Groundwater Protection Committee Mailing List
4. Agricultural Chemicals Subcommittee Report
5. Abandoned Well Closure Task Force 3/25/97 Meeting Notes
6. EPA Safe Drinking Water Act Guidance Memorandum

7. EPA CSGWPP/Remediation Program Guidance Memorandum
8. TNRCC Rules Tracking Log
9. Jim Phillips 2/13/97 Response Letter (Well Closure)
10. TNRCC Source Water Protection Seminar Announcement
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12. The New 5-Year 305(b) Cycle: Advantages, Context, and Expectations

## **MEETING RECORD OF MAY 8, 1997**

### **I. Call to Order and Introductions**

Mary Ambrose, TNRCC, Designated Chairman of the Committee, called the meeting to order at 1:06 p.m. The representative from the Texas Alliance of Groundwater Districts was not present. A copy of the meeting's agenda was provided as Handout #1. The Chair noted that FY97, first quarter meeting minutes (Handout #2) and a current Committee mailing list (Handout #3) had also been provided. The Chairman called on Kelly Mills, TNRCC, for a status update on the Committee's minutes. Mr. Mills reported that the FY96 third quarter and FY96 fourth quarter minutes were outstanding; all other minutes had been finalized.

### **II. Subcommittee Reports**

#### **Agricultural Chemicals Subcommittee**

Chairman Ambrose called on Steve Musick, TNRCC, Chair of the subcommittee, to present the subcommittee's report. Mr. Musick provided Handout #4 (Agricultural Chemicals Subcommittee Report). The subcommittee held its FY97 third quarter meeting at 10:00 am on February 6, 1997. Presentations were made by Dr. Don Goss, Blacklands Research Center on a significantly updated Soil Pesticide Interaction Matrix/Map for Texas and Dr. Patrick Havens, Study Director with DOW-Elanco, on their Picloram Ground-Water Monitoring Study in Texas and other high-use states.

Reports were presented from the Site Selection, Education, Atrazine BMP, Management Plan, and Data Evaluation and Interpretation Task Forces. The Site Selection Task Force reported that wells for monitoring were currently under review. The Management Plan Task Force reported the development of a draft response to EPA's comments on the Texas Generic SMP are currently underway. The recommended response document will be finalized soon. The Data Evaluation and Interpretation Task Force was activated and charged, at the last subcommittee meeting, with evaluation of atrazine sampling data to date. The task force met 5/6/97 to discuss available atrazine sampling results. Draft evaluation and recommendations have been developed and are under review by the Task Force for submittal to the subcommittee.

The subcommittee members were also briefed on the status of the national review effort on the EPA Draft SMP Rule.

#### **Ground-Water Data Management Subcommittee**

Mr. Musick announced that no action had been taken by the subcommittee since the previous meeting. He reported that a meeting was to be held with the subcommittee's chairman in San Antonio within two weeks. Ground-Water Nonpoint Source Workgroup

Mr. Musick reported the NPS Assessment Update had been prepared by the TNRCC and provided to the Texas State Soil and Water Conservation Board (TSSWCB). The TSSWCB has reviewed the assessment and provided comments. The TNRCC is addressing the TSSWCB's comments and finalizing the assessment for submittal to EPA.

Mr. Musick reported the NPS Management Plan was in the TNRCC review process and a draft is expected to be submitted to EPA within the next few weeks. He noted that notice for both documents should appear in the Texas Register in early June, followed by a 30-day comment period.

Mr. Northcutt noted the TSSWCB was still entertaining FY98 proposals. He reported the 2nd Annual EPA NPS Conference in Austin was well attended and considered a success.

### **Water Well Closure Task Force**

Chairman Ambrose called on Mr. Mills to present the Task Force Report. Mr. Mills reported the task force held its initial meeting on 3/25/97. Seventeen people attended the meeting. Mr. Mills referred to Handout #5 (Abandoned Well Closure Task Force 3/25/97 Meeting Notes). He noted the task force had established the following goals: 1) developing, in laymen's terms, guidance for well plugging; 2) development of a bibliography of available resources and information applicable to Texas; 3) researching and compiling a list of potential funding sources; and, 4) identifying the target audience for the dissemination of information and the development of educational material.

Mr. Mills reported three work groups were organized. The Guidelines Development Work Group, Chaired by Steve Wiley, TNRCC, will focus on Goal 1. The work group met on 4/30/97 and will meet again on 5/15/97. The Bibliography/Resources Identification Work Group was split into to subgroups. The Bibliography Subgroup, Chaired by Bill Mullican, BEG, will address Goal 2. Mr. Mullican report the subgroup had completed this task. The Funding Resources Subgroup will focus on Goal 3. No status on this subgroup was presented. The Education, Resource, and Dissemination Work Group, Chaired by Monty Dozier, TAEX, will focus on goal 4. The work group is scheduled to meet the morning of June 5, 1997. The next full meeting of the Abandoned Well Closure Task Force will be held on June 5, 1997, at 1:00 pm.

### **III. Business**

Set Future Meeting Dates

After discussion, the Committee set the FY97 Fourth Quarter meeting for August 28, 1997 at 1:00 p.m.

### **IV. Presentation**

## **Texas Risk-Reduction Program - Scott Crouch, TNRCC, Pollution Cleanup Division**

The Chairman introduced Scott Crouch, TNRCC, Pollution Cleanup Division. Mr. Crouch provided an update on the TNRCC's effort to develop a consistent and reasonable risk-based corrective action program for the agency. Currently, cleanup of similar types and levels of contamination may be handled in significantly different ways in different program areas. This is dependant upon the source of the contamination and upon whether a case is handled under the agency's risk-reduction rules, petroleum storage tank rules, or municipal solid waste rules. The TNRCC's effort is aimed at developing a consistent set of remediation rules to protect human health and the environment applicable to all agency programs.

This effort was authorized by the Commissioners in February of 1996. A first conceptual document was released for comments in May of 1996. After addressing comments, a second conceptual document was released for comments in December of 1996. The TNRCC anticipates the proposal of the rules sometime during the summer of 1997.

Mr. Crouch addressed the current status of groundwater issues as developed in the harmonized risk-reduction rules. Three classes of groundwater have been developed for the proposal. Class 1 groundwater, considered as primary groundwater resources, are those with high resource value. As proposed, cleanup of Class 1 groundwater will be required when public water supply wells are located within one-half mile; when groundwater is only available from a single, usable zone (no multiple aquifers present); and, when well yields are greater than 100 gallons per minute (gpm) and total dissolved solids (TDS) are less than 3,000 milligrams per liter (mg/l).

Proposed Class 2 groundwater would include current or potential sources. Class 2 groundwater is defined as having a TDS below 10,000 mg/l and well yields greater than 150 gpm. As proposed, the rules will require clean-up of the groundwater, however, flexibility may be granted if it can be demonstrated that effective institutional controls to prevent use and exposure can be implemented under one of two options. Option 1 would require the control of the contamination on the property with some remediation. Option 2 would require containment of contaminated groundwater; delineation of the full extent of the plume out to the limit of health based levels, and controlling to health based levels.

Class 3 groundwater is proposed to be defined as having a TDS content of greater than 10,000 mg/l and a production yield of less than 150 gallons per day. Action levels are proposed to be based upon a multiplier (possibly 100) of the health based levels. The chief concern with Class 3 groundwater is the potential of cross-contamination across multiple aquifers. The lateral extent of contamination is also of concern. At concentrations above the action level, institutional controls are proposed to note the presence of the contamination and to restrict the use of the groundwater, the penetration of aquifers, and lateral contamination off of the property.

Mr. Crouch reported that groundwater response objectives are dependant upon two remedy standards: A) cleanup to health-based levels, or B) remediation and control measures. The remedy standards are dependant upon groundwater classification and source location. He noted the proposal was being discussed with EPA and described the program as being a key component in the comprehensive state ground water protection program (CSGWPP) flexibility

being offered by EPA to the states.

Dr. Wayne Jordan, TAES, asked Mr. Crouch if the rules are specific to point sources of contamination and how the rules may affect the efforts of the Agricultural Chemicals Subcommittee's efforts. Mr. Crouch replied the program was geared toward responsible person addressing the contamination, and yes, it was geared to point sources. Richard Ginn, RCT, noted the RCT was interested in the TNRCC's efforts, and will more than likely follow in the TNRCC's footsteps if the agency is successful in implementing the program.

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

### **Comprehensive State Ground Water Protection Program Development**

The Chair called on Mr. Musick to present this information. Mr. Musick provided Handout #6 (EPA Safe Drinking Water Act Guidance Memorandum) and Handout #7 (EPA CSGWPP/Remediation Program Guidance Memorandum). In addressing Handout #6, Mr. Musick reported that EPA was developing guidance to implement the 1996 Safe Drinking Water Act amendments regarding source water protection. He noted CSGWPP amendments were not funded; however, EPA must move forward with the draft guidance. The guidance streamlines and simplifies the CSGWPP approval process at the national level. Comments on the draft guidance are due June 6, 1997. Mr. Musick noted the TNRCC was going to provide comments and invited the other agencies to do so also. He noted it was probably too late for the Committee to provide comments.

In referring to Handout #7, Mr. Musick noted the role of CSGWPPs in EPA remediation programs. This directive recommends that EPA remediation programs be familiar with CSGWPPs and utilize them as a means of giving more flexibility to the states for the management of groundwater resources. EPA's groundwater remediation programs (Superfund, RCRA Subtitle C & D, and Underground Storage Tanks) have an important stake in the CSGWPP process. The directive establishes the policy that EPA remediation programs generally should: defer to state determinations of current and future groundwater uses, when based on an EPA-endorsed CSGWPP that has provisions for site-specific decisions; participate in EPA's review and endorsement of CSGWPPs; and, use other CSGWPP provisions, as appropriate, for more effective or efficient program implementation.

### **Committee Publications: Joint Groundwater Monitoring and Contamination Report**

The Chair called on Kelly Mills, TNRCC, to update the members on the status of the Committee's 1996 joint report. Mr. Mills reported that final numbers were currently being reconciled. He noted a division-level draft should be completed within a week and projected the report to enter the TNRCC's publication process the week of May 26, 1997. His best guess for a projected publication date was sometime toward the end of June 1997.

### **Senate Bill 1**

The Chairman called on Bill Mullican, BEG, to address this issue. Mr. Mullican reported that

fate of Senate Bill 1 was up-in-the-air. The current versions in the House and in the Senate are not even close to each other. He expected something to make it through; however, he could not speculate what it might be.

### **SMP Update**

The Chair called on Mr. Musick to provide the SMP update. Representing the Agricultural Chemicals Subcommittee, Mr. Musick approached the Committee for guidance on the response to EPA comments to the Texas Generic SMP. Mr. Musick suggested that the subcommittee review and prepare the draft response, meet with EPA Region 6 to discuss any showstoppers, finalize the draft, and present a final draft at the next full-Committee meeting. After discussion, the Committee approved Mr. Musick's suggestion.

### **VI. Announcements**

The Chair provided Handout #8 (TNRCC Rules Tracking Log) and highlighted references to the Risk-Reduction Rules, the Second Phase of the Edwards Aquifer Protection Rules, and the memorandum of understanding with the Texas Water Development Board on the implementation of the state revolving fund of the Safe Drinking Water Act.

The Chair noted Handout #9, a response letter to the Committee from Jim Phillips, TNRCC, Office of Legal Services, dated February 13, 1997. Mr. Phillip's letter also noted that supplemental environmental improvement projects involving the closure of water wells could not replace enforcement actions or allow responsible parties to avoid the requirements of state law.

Mr. Musick announced the TNRCC's Source Water Protection Seminar (Handout #10) in Lubbock on May 20, 1997. He noted the TNRCC's legislative report on groundwater conservation districts had been published (TNRCC Publication Number SFR-053, February 1997). He also noted that Richard Bowers, North Plains Ground Water Conservation District, had left several copies of the Texas Alliance of Groundwater District recently published membership directory following the Agricultural Chemicals Subcommittee's meeting if anyone wanted a copy.

Dr. Jordan requested that an analysis of the Committee's legislative recommendations be prepared and presented at the next meeting. Chairman Ambrose noted the agency could also provide its slant on the legislative outcome at the next meeting.

Mr. Musick announced that EPA's draft source water protection guidance document was out for comment (due prior to June 6, 1997). The document focuses on SFR issues and funding issues. He reported he could provide copies upon request.

Mr. Ginn announced the RCT had prepared and submitted to the legislature a report on fresh water injection in enhanced oil recovery projects. He provided the report's summary as Handout #11.

Mr. Mills noted that the groundwater section guidance for the 305(b) report was finalized in April. The complete guidance package finalization date is still up in the air. Mr. Mills provided Handout #12 (The New 5-Year 305(b) Cycle: Advantages, Context, and Expectations). He also noted that the 1996 Texas 305(b) publication (TNRCC Publication Number SFR-50) should be available within one month. Mr. Mills also gave a status update on the development of the Committee's homepage. Ground-Water Assessment Section staff are currently working on the design of the Committee's homepage and seeking administrative approval to move forward with it. Material under development and existing material will be hotlinked to the Committee's page. He asked that Committee members provide other hotlink address they wish to be linked.

## **VII. Public Comment**

None.

## **VIII. Adjourn**

The Chair adjourned the meeting at 2:12 pm.

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Prepared by: Steve Musick