

TEXAS GROUNDWATER PROTECTION COMMITTEE

RECORD OF CONFERENCE

October 3, 1996

TNRCC Campus, Building F, Room 2210 (Meeting 29-A)

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ATTENDANCE

Committee Members Affiliation

Wayne Jordan	TAES
Scott Holland, Alternate	TAGD
Phil Nordstrom, Vice-Chair	TWDB
Beade Northcutt	TSSWCB
Bill Mullican	BEG
Mary Ambrose, Chair	TNRCC
Richard Ginn	TRC
Donnie Demple	TDA

Agency Staff Affiliation Program

Steve Musick	TNRCC	WPA Div/Ground-Water Assmt. Section
Cary Betz	TNRCC	WPA Div/Ground-Water Assmt. Section
Kelly Mills	TNRCC	WPA Div/Ground-Water Assmt. Section
Dennis Clark	TAGD	Emerald UWCD
Tom Jecha	TNRCC	Enforcement Division
J.A. Lazarus	TNRCC	Intergovernmental Relations
Ambrose Charles	TDA	
Jeannette O'Hare	TDA	
Kristie Denton	TXDOT	Environmental Affairs

Interested Parties Affiliation

Dale Parr	Texas Farm Bureau
Doug Hall	Flour Daniel GTI
Denise Rhodes	Consultant

RECORD OF OCTOBER 3, 1996 CONFERENCE

I. Call to Order and Introductions

Mary Ambrose, designated Chair of the Committee, started the conference at 1:35 p.m. in Room 2210, Building F, Park 35 TNRCC Austin Complex. The Texas Department of Health was the only agency not represented. Scott Holland, Manager of the Irion County Underground Water Conservation District, represented the Texas Alliance of Groundwater Districts. A copy of the meeting's agenda was provided as Handout 1.

The Chair announced the Texas Register deadline was not met and the meeting would be limited to information exchange and discussion; that no action or possible action would be conducted during the conference

II. Subcommittee Reports -

Agricultural Chemicals

The Chair called on Steve Musick, TNRCC, Chairman of the subcommittee.

Mr. Musick reported the Agricultural Chemicals Subcommittee (ACS) had met twice since the last full-Committee meeting (August 11, 1996) and provided Handout 2 (ACS Comments on Proposed SMP Rule). The ACS met on September 12 and earlier today on October 3 to discuss the scope and detail of comments on the EPA proposed SMP rule. The ACS limited the scope to only important issues with more general comments. Comments were approved with minor editing and arrangement to be done by the TNRCC. The final comments will be sent out to ACS members prior to submittal to EPA. The Data Evaluation Task Force was activated and is collecting data from monitoring projects and other sources to evaluate efforts over the last three years.

Data Management and Water Well Closure

The Chair called on Mr. Musick, TNRCC. Mr. Musick reported that the Data Management Subcommittee and the Water Well Closure Task Force have not met or conducted any significant activities.

Nonpoint Source

The Chair called on Mr. Musick, TNRCC. Mr. Musick reported that the Nonpoint Source Subcommittee has not met since the last full-Committee meeting. Mr. Musick reported that EPA has given the go-ahead for the update and revision for the Assessment Report. He also reported the subcommittee was waiting on information from EPA related to NPS grant time-lines for the next fiscal year grant cycle.

Legislative Report

The Chair noted that the draft Committee report (Handout 3) and draft Committee recommendations (Handout 4) had been provided to the members. The Chair tabled further discussion into the next item on the agenda.

III. Business

Set Future Meeting Dates Committee members held a discussion and agreed the Committee's FY97 first quarter meeting would be held on Thursday, October 24, 1996.

Committee Report to the 75th Legislature

The Chair provided Handout 5 (Texas Water Code, . 36.117), Handout 6 (Whisenant Letter), and Handout 7 (Texas Water Code, . 36.052). The Chair moved to a discussion of the recommendations (Handout 4), and noted no action would be taken. A discussion was then held for each recommendation topic.

Topic 1. State-Level Drought Management Plan - Bill Mullican, BEG, suggested adding regional plans as well and stressing regional drought management planning. Wayne Jordan, TAES, offered that regional planning was included in the recommendation. Mr. Mullican suggested that it be more prominent in the short-line recommendation language.

Topic 2. Development of Pesticide Specific State Management Plans and Continued Education - Mr. Musick reported that the ACS was comfortable with the recommendation. The Chair gave a brief description of the what was contained in the recommendation. Phil Nordstrom, TWDB, discussed whether legislation could imply that a regulation was not effective until some federal action was taken. The Chair noted the NPDES legislation which had been on the books since the 70s as an example.

Topic 3. Chapter 36, Water Code: Exempt Wells - Kelly Mills, TNRCC, described how the recommendation was developed and what it addressed. Scott Holland, TAGD, stressed the current statutory language in . 36.117 was confusing and vague. Mr. Holland agreed . 36.117 needed to be changed. He said the groundwater districts would like to see exemptions removed completely to put everyone on a level playing field. Mr. Musick agreed that the language of . 36.117 was confusing. He noted the TNRCC contribution to the recommendation was to clarify the recommendation to remove confusion, and noted that he felt the current recommendation was a very good effort. He noted some exemptions should be preserved, and the recommendation addressed the primary concerns voiced by the districts. The Chair asked Mr. Holland if everyone in TAGD had had a chance to review the recommendation. He noted that he, C.E. Williams, Bill Couch, Dennis Clark, and Greg Ellis have reviewed it. Dennis Clark, TAGD, noted TAGD was going to meet on October 17. The Chair asked Mr. Holland to carry the recommendation to the TAGD meeting and provide consensus comments after that time. Mr. Holland agreed to do so.

Topic 4. Providing Wastewater Authority to Groundwater Conservation Districts - Mr. Holland noted the districts were comfortable with a local option approach, but would be opposed to amending . 36.052. The Chair explained that amending . 36.052 could be a quick fix to bring back the authority generally. Mr. Holland offered to carry the recommendation to the October 17 TAGD meeting for discussion and report back with comments. Mr. Musick voiced the TNRCC's concerns that it should and would take a much more detailed recommendation to bring wastewater authority, and all of the assurances required, into Chapter 36. Mr. Musick noted that if it was a single-district issue, it would be more appropriate to amend the district's enabling legislation. Mr. Holland noted that would be preferable to amending or changing . 36.052.

Topic 5. Critical Area Process Simplification - Mr. Musick described the critical area process intended to lead to groundwater district creation. He noted an amendment to allow local option, which the TNRCC supports, was inappropriately placed and referenced in the Water Code, and that the amendment had essentially killed the state's efforts to established districts in critical

areas by requiring duplicative evidentiary hearings. The Chair noted that the process does not foster public education prior to district creation, but draws lines in the sand for opposing views prior to the local option. Mr. Holland asked that other than time-lines and references, the process was unchanged. Mr. Musick agreed with this synopsis.

Topic 6. Critical Area Program Funding - The Chair provided an explanation of the recommendation and noted it could be linked back to drought management planning by noting the problems encountered in the Hill Country Critical Area. Mr. Musick noted the TNRCC had brought funding the program as an issue with the Legislative Budget Board (LBB) while it was reviewing the agency's Legislative Appropriations Request (LAR). The issue was not included in the agency's LAR. Mr. Musick suggested the recommendation be linked to the drought management planning recommendation.

Topic 7. Mandatory Continuing Education for Drillers and Pump Installers - The Chair noted Mr. Whisenant, TWWDAC Vice Chairman's, letter supporting the recommendation. Mr. Holland noted both sides of the continuing education requirements issue, and identified opposing perspectives. Mr. Holland also offered re-testing as an option.

Topic 8. Closure of Abandoned Water Wells - The Chair discussed the development of the recommendation and noted the opposition to the original intent of assessing a fee to be collected by water well drillers, as noted on Mr. Whisenant's letter. The Chair discussed the further development of the recommendation relating information gained from conversations with the TNRCC/Enforcement Division regarding Supplemental Environmental Improvement Projects (SEIPs) wherein an environmental improvement project, such as well closures, could be substituted for an enforcement penalty. The distribution of penalties to a third party was also discussed. Prioritizing which wells need to be plugged first and developing a fair process are still issues. Mr. Holland noted that drillers facing penalties might not be the most reliable people in plugging wells, and supervision might need to be required.

General Comments on the Report's Organization, Scope, and Content - The Chair and Mr. Mills gave a brief description of the report. The Chair asked that comments regarding the report be forwarded to Mr. Mills prior to the October 24 meeting. A couple of misspelled words and an errant FAX number were noted.

Comments on the EPA State Management Plan Draft Rule

The Chair called on Mr. Musick, TNRCC. Mr. Musick noted that in the draft comments, the ACS had focused on issues which it felt were the most important. All comments are fairly general. He reported some final tweaking to Handout 2 would be required. The most important item in the comments recommended that EPA recognize that the states are different, that groundwater impacts for the listed pesticides might not be seen in the states, and that other pesticides may be higher priorities for states. The states should spend their resources on doing what was important for their state. Vulnerable areas and reference points/triggers are also discussed. Dr. Jordan, TAES, noted the comments were the consensus of the agencies and entities on the ACS. Mr. Musick informed the Committee that if a Committee meeting could not be scheduled before the comments due date, that the ACS would submit them as discussed at the

last meeting.

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

CSGWPP Development Status

The Chair called on Mr. Musick, TNRCC. Mr. Musick reported again that three focus groups were created at the July conference: streamlining, identifying flexibility issues, and relationship between CSGWPP and Environmental Performance Partnership Agreements. At the July Ground Water Protection Council (GWPC) meeting, EPA announced that it would not be able to take the lead in the CSGWPP streamlining focus group, and asked the state organizations, including the GWPC, to take the lead. The consensus is that this will slow the streamlining process down. Mr. Musick advised that the state should proceed with the Texas Core Program Assessment revision. Mr. Musick said he would give more information at the next meeting.

Committee Publications

The Chair called on Mr. Mills, TNRCC. Mr. Mills reported that the Texas Groundwater Program Directory had completed the TNRCC editing process and was currently at the TNRCC Graphics Section for final formatting. From there, the directory will go to the TNRCC Printshop. Mr. Mills estimated the directory should be published by mid-November. Mr. Mills also reported that the Texas Ground-Water Data Dictionary had been published, and passed a copy around for inspection. He reported distribution efforts are pending. The Chair noted she had initiated efforts within the TNRCC to have Committee letterhead created. Mr. Musick noted efforts were underway to establish an Internet Home Page for the Committee with Hot Links to the member agencies' Home Pages.

V. Announcements

The Chair noted that Handout 8 (9/27/96 TNRCC Rules Update) had been provided to the members, and noted rules information was available on the TNRCC's Internet Home Page and Bulletin Board.

The Chair noted that Handout 9 (USGS Trinity River Basis NWQA Fact Sheet - Pesticides in Urban and Agricultural Stream, 1993-1995) had also been provided to the members. She also noted that the report by Land and Brown was completed as referenced.

Dr. Jordan announced that Texas A&M's Agricultural Program Summit on environmental and natural resources. The summit will be held at the Y.O. Hilton in Kerville on November 14 & 15, 1996. Break-out groups will be formed to discuss numerous issues as presented.

Mr. Nordstrom announced three publications by the TWDB which included: Aquifers of Texas, TWDB Report 345; Survey of Irrigation in Texas, TWDB Report 347; and, Paleozoic and Related Aquifers of Central Texas, TWDB Report 346. The reports are available from TNRIS. Mr. Musick noted the TNRCC will hold a hearing on the proposed ASR rules on October 31, 1996.

VI. Public Comment

The Chair asked for public comment. None was offered.

VII. Adjourn

The Chair adjourned the meeting at 3:00 p.m.
