

Texas Groundwater Protection Committee

Record of Meeting
Second Quarter Meeting
Fiscal Year 1999

Meeting Date: January 21, 1999
Place: TNRCC, Building B
Meeting No.: 38 Room: 201A

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MEETING ATTENDANCE

<u>TGPC Members</u>	<u>Affiliation</u>
Mary Ambrose	TNRCC
Janie Hopkins	TWDB
Richard Ginn	RCT
Ambrose Charles	TDA
Beade Northcut	TSSWCB
Bruce Lesikar	TAES
Robin Nava	BEG
Barry Miller	TAGD
John Jacobi	TDH

<u>Agency Staff</u>	<u>Affiliation</u>	<u>Program</u>
Warren Samuelson	TNRCC	Installer Certification
Steve Musick	TNRCC	Water Quality Division
Cary Betz	TNRCC	Water Quality Division
Craig Caldwell	TNRCC	Water Quality Division
Jimmy Walker	TNRCC	Field Operations Division
Ken May	TNRCC	Public Drinking Water
Alan Cherepon	TNRCC	Water Quality Division
Kelvin Moore	TNRCC	Water Quality Division
Wayne Jordan	TAES	
Jeanette O'Hare	TDA	

<u>Interested Parties</u>	<u>Affiliation</u>
Julia Marsden	LWVTX
Lee Parham	TDLR
Jerome Tinsman	CCAED
Don Maxwell	CCAED
Rick Lowerre	Henry Lowerre Johnson Hess & Frederick

MEETING HANDOUTS

1. Agenda
2. TGPC Membership List
3. "7th Annual Texas On-site Wastewater Treatment Research Council Conference" Flyer
4. "Preparation of Materials for the Joint Groundwater Monitoring and Contamination Report - 1998" Letter

5. "State Officials and Staff Receiving the Texas Groundwater Protection Committee's Activities of the Texas Groundwater Protection Committee - Report to the 76th Legislature"
6. Letter to Governor George W. Bush submitting the Texas Groundwater Protection Committee's Activities of the Texas Groundwater Protection Committee - Report to the 76th Legislature"
7. TNRCC Rules in Process - Rules Tracking Log

MEETING RECORD OF JANUARY 21, 1999

I. Call to Order and Introductions

Mary Ambrose, Designated Chairman of the Texas Groundwater Protection Committee (TGPC), called the FY99, Second Quarter Meeting to order at 1:00 p.m.

All member agencies were present at the meeting. Janie Hopkins represented the TWDB, Bruce Lesikar, TAEX, represented the TAES, and Ambrose Charles represented the TDA.

Ms. Ambrose called attention to the new TGPC Membership List (Handout #2) and asked that the TGPC members review it for accuracy.

II. Subcommittee Reports

Agricultural Chemicals

Steve Musick, TNRCC, presented the Agricultural Chemicals Subcommittee's report. The Subcommittee met in the morning for their 2nd Quarter meeting and discussed four items. First was the TNRCC's response to EPA comments on the TNRCC's proposed pesticide management plan. The comments were of an informal nature and involved clarification of issues for EPA Region 6. The Subcommittee prepared a response with appropriate changes.

The second and third items were two presentations from members of the Natural Resources Conservation Service. The first presentation described the "Core 4" nutrient management initiative, relating to water quality protection. Of particular interest to the Subcommittee was an initiative for developing nutrient and pesticide management plans at the producer level and developing revised standards and educational programming at NRCS for use by producers. The Subcommittee was also updated on the current status of the TEX-A-SYST Program, which assists individual landowners to assess the potential impact of farm activities on the quality of surface water and groundwater. The presentation introduced videos related specifically to groundwater protection. The program will encourage landowners to become involved in a more detailed inventory of potential sources of pollution for groundwater.

The fourth item addressed a request from Representative Tracy King (Uvalde). Representative

King asked that the TGPC provide input as to whether funding requested of the Legislature in the TGPC's Legislative Report regarding a pesticide management plan should be given to a specific agency for disbursement to other agencies, or dispersed to individual agencies. The TGPC chair had requested that the Subcommittee discuss this issue and respond directly to Representative King. The conclusion reached by the Subcommittee was that while funding one agency provides accountability to the Legislature, there is the drawback of increased administrative cost of contract management. The Subcommittee's recommendation is to favor fund dispersement to individual agencies.

Data Management

Cary Betz, TNRCC, reported that the Data Management Subcommittee did not meet during the quarter. Federal 305(b) reporting is still underway for fiscal year 1998 and will be completed soon. Preliminary maps sent to EPA were received favorably, showing a more graphical map-oriented format relating state ground-water quality data. The TNRCC is negotiating future 305(b) reporting to conform with EPA requirements. Fiscal Year 1999 will focus on electronic update reporting, therefore, the Subcommittee will be using this opportunity to reassess reporting in coordination with TNRCC surface water staff.

The Joint Groundwater Monitoring and Contamination Report database will be enhanced using EPA 106 funds to provide spatial data for contaminated sites, and in the future to integrate the data in a more graphic format.

Nonpoint Source

Beade Northcut, TSSWCB, reported that the Nonpoint Source Subcommittee did not meet during the quarter. The 319 funds used by the TSSWCB and TNRCC are being used for the state's TMDL efforts, particularly with regard to atrazine. The Data Evaluation Task Force of the Agricultural Chemical Subcommittee will meet in February to evaluate data relating to atrazine in the Texas Panhandle.

Water Well Closure

Bruce Lesikar, TAEX, updated the TGPC about the status of Water Well Closure Task Force Subcommittee activities. The Subcommittee did not meet during the quarter. The Landowner's Guide will be published by the TNRCC, and can be distributed to interested parties as a formal publication. Mr. Betz said that a proposal for additional 106 funding has been prepared for submittal to the EPA. The additional funding is to be used to produce a hand dug well closure video, and may also provide for a "field day" demonstration of hand dug well closure. These activities could occur within the next six months. These activities could occur within the next six months. Mr. Lesikar said a Subcommittee meeting has been scheduled for February 23, 1999 to discuss the contents and scope of the educational initiative.

III. Presentation

Warren Samuelson, TNRCC Compliance Support Division, Installer Certification Section, On-

site Certification Program.

Mr. Samuelson presented a discussion of the TNRCC's on-site wastewater system (septic tank) regulatory program and its educational efforts. His program is charged with the regulation, planning, location, design, construction, installation, operation, and maintenance of on-site systems (septic systems and other domestic wastewater systems). Currently 25% of the state's population utilizes on-site systems, and 37% of current construction includes the installation of on-site systems. In 1990, 18,500 on-site permits were issued in the state. In the last four years, over 176,000 permits have been issued with over 46,000 permits issued in 1998. The reason for this growth has to do in part with the strong economy and greatly increasing construction. There is also better reporting and enforcement by regulating entities. People are also tending to move to the country, where there may be a lack of availability or funding for centralized systems. Many large developers are installing on-site systems as a cheaper alternative to centralized systems.

In 1987, TNRCC revised its rules to provide a more comprehensive way to address the many aspects of on-site systems. Two major issues addressed by the rules are certification and site evaluation. There are four levels of certification: standard system installers, alternative system installers, site inspectors, and site evaluators. Installers must participate in a thorough training session required by TNRCC rules. 5400 people have been certified in the last 1.5 years. The program provides for accountability with rule compliance, since rules violations can result in revocation of the operators certification.

Site evaluation involves soil assessment and identification. A certified site evaluator identifies site soil texture and structure. There must be at least two feet of suitable soil between the system's drain field and the site's restrictive horizon or groundwater. The soils are classified as Class 1, 2, 3, or 4 by USDA classification. Presence of groundwater, bedrock, wells, buildings, recharge features, and topography are also noted.

The program delegates regulatory duties to local entities. The TNRCC performs approximately 5% of on-site permitting. Most other permits are issued by counties or cities, who have been delegated by the on-site program for the regulation of on-site systems. Currently 260 local entities perform these duties. By statute, these entities can have rules which are more stringent than those of the TNRCC, and many choose to do so. The TNRCC is currently meeting with some counties to encourage them to participate in on-site permitting.

The On-Site Wastewater Treatment Research Council invites everyone to come to their conference in Waco, Texas on February 15-17, 1999 (Handout #3). The Council has funded three training centers, in El Paso, Waco, and College Station, where people can see different on-site technologies (standard, spray irrigation, wetlands, sand filters, aerobic treatment, etc). Many of the training sessions are held at these locations.

Questions were taken from the audience. A member asked if minimum water well distances were expressed in the rules. Mr. Samuelson said that the standards are the same as the Water Well Drillers rules; wells must be at least 100 feet from an on-site system, 50 feet if the well is cemented. A public water supply system well must be at least 150 feet away. Can soil be

mounded above normal grade at the site? Mr. Samuelson said that soil could be mounded, provided that at least of two feet of appropriate soil remained between the restrictive horizon and the drainfield.

A member asked what kinds of development were regulated. Mr. Samuelson answered that sites greater than 10 acres do not need to be permitted. A landowner can install his own system, but compensated help must be by a certified individual. A certified person must maintain the system, with standard system pumping usually occurring every 3 to 5 years. Spray systems have different maintenance requirements. The TWDB Model Subdivision effort was also discussed.

A member asked about the maintenance of aerobic (spraying) systems. A maintenance contract is required for aerobic systems, and a maintenance contract must be in place for 2 years. There are no testing requirements for standard systems. The member asked is the program had established a database to track data generated from testing to analyze testing effectiveness. Mr. Samuelson said that some entities are currently compiling their own data. He said that the Trinity River Authority currently performs yearly fecal count testing in over 600 aerobic systems around Lake Livingston. They evaluate this data to gauge the effectiveness of their testing program and plan to establish proper standards.

A member asked what a landowner could do if their neighbor's system is a problem for the landowner. Mr. Samuelson said that the landowner should contact the local regulatory entity or the TNRCC regional office. The TNRCC can perform a compliance review to see if the local entity is responding appropriately to landowner complaints.

Ms. Ambrose asked that Mr. Samuelson comment on the rules review process. He said that the 30 TAC Chapter 385 rules are currently under review and are in a 45 day comment period. The program welcomes any comments. He added that the rules require that certified persons must have eight hours per year of continuing education, and that the number of training providers is now adequate to fulfill the demand for training.

A member asked what the EPA was doing about Class V injection wells with respect to on-site systems. Mr. Musick commented that the EPA draft rule has proposed that an on-site system will be regulated as a Class V well if the system is serving more than 20 people. EPA is currently evaluating their proposed rules to require an inventory of these systems, but is not yet proposing any new regulations. Mr. Samuelson said that requirements for on-site systems under his program were for facilities treating less than 5000 gallon per day. Systems with greater periodic demand, such as churches, are evaluated on a weekly average basis.

A member of the audience asked about toxic waste going into injection wells. Mr. Musick said that industrial waste can only go into certified injection wells. The audience member said that in Corpus Christi, B & E Injection is taking industrial waste. Mr. Musick asked the audience member to talk to him after the meeting.

An audience member asked if on-site systems are listed in the Joint Report. Mr. Samuelson was uncertain if any of the listings in the Joint Report were attributed to on-site systems.

IV. Business

Discussion & Possible Action

Texas Comprehensive State Ground Water Protection Program Process

Mr. Musick reported that the TNRCC will develop a document outlining activities of the TNRCC and other agencies addressing issues relating to CSGWPP. The TNRCC is investigating contracting the production of a core assessment document and the development of an outline of programs of member agencies. When they have more information from EPA, the TNRCC will update members of the TGPC.

Set Future Meeting Dates

The next meeting of the Texas Groundwater Protection Committee will be at April 29, 1999 at 1:00.

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

TGPC Publications

Joint Groundwater Monitoring and Contamination Report

Craig Caldwell, TNRCC, reported that multiple copies of the printed and bound copies of the 1997 Joint Report were sent to TGPC members, TAGD members, and members of the TGPC mailing list in November. Mr. Caldwell reported that the relevant areas of the TNRCC as well as the TWDB, RCT, and members of the TAGD have been given their text and data from the 1997 Joint Report to update for the 1998 Report (Handout #4). The updated information is due in mid February and a draft version of the report will then be prepared for review.

Legislative Report

Mr. Caldwell reported that the Activities of the Texas Groundwater Protection Committee - Report to the 76th Legislature was sent with cover letters to the Governor, Lt. Governor, Speaker of the House, certain Legislators, legislative staff members, and the legislative library on December 21, 1998. The members have a handout of the list of recipients and a copy of the letter sent to Governor Bush (Handouts 5 and 6). Both the Legislative Report and the Joint Report are available on the TNRCC's Internet site.

Ms. Ambrose asked if the Landowner's Guide to Plugging Abandoned Water Wells will also be available on the TNRCC's Internet site. Mr. Caldwell said that it would be available in a few weeks. Ms. Ambrose asked that the members look at the TGPC's Internet site and suggest any improvements.

Priority Groundwater Management Area Status Update

Mr. Musick reported that the Priority Groundwater Management Areas and Groundwater Conservation Districts; Report to the 76th Legislature, published by the TNRCC with the help

of the TWDB, was about to be published. Also, the TWDB, TNRCC, and Texas Parks and Wildlife Department are working on five areas, previously studied in 1990, which were not recommended for designation as priority groundwater management areas (PGMA) but which had significant problems with respect to groundwater quantity. The areas are currently being reevaluated. The TNRCC and TAEX are also working within the four areas already designated as PGMA's to help stakeholders with groundwater district formation or annexation.

Risk Reduction Rules Update

Mr. Musick reported that the Risk Reduction Rules Program has completed the public comment period on the amendments to the TNRCC's 335 rules on Industrial Waste . It was determined that a number of significant changes needed to be addressed, and the Program will repropose the rules this Spring, with adoption potentially occurring this Summer. When the rules are close to adoption, the TGPC will get someone from the Program to again speak about the issue.

VI. Announcements

TNRCC Rules Update

Mary Ambrose noted that the members had a copy of the TNRCC's rules tracking log and noted that the TNRCC has completed the withdrawal of rules regulating water well drillers and pump installers. The TDLR has assumed this regulatory role and has just published the adoption of their rules.

Ms. Ambrose asked Mr. Musick to discuss Senate Bill 1 rules implementation. Mr. Musick noted that there were rule proposals related to Senate Bill 1 for drought contingency planning, interbasin transfers, other water rights issues, and the priority groundwater management area process. The rules were proposed in early Fall, 1998, and some comments were received, summarized, and presented to TNRCC Commissioners at their January 20, 1999 work session. Five chapters of the TNRCC's rules were adopted at the work session.

Ms. Ambrose noted that the TNRCC was undergoing a series of rulemaking efforts to implement the state's Texas Pollutant Discharge Elimination System (TPDES) program after the state was delegated by the EPA through its National Pollutant Discharge Elimination System (NPDES) program. General pollution discharge activities are addressed in the rules proposals including petroleum storage tank remediation system water discharge release. Surface coal mining rules relevant to wastewater discharge are also being prepared.

Mr. Musick announced that the National Groundwater Protection Council will be holding its annual policy conference in Alexandria, Virginia on March 14-16, 1999.

VII. Public Comment

Don Maxwell of Sinton, Texas addressed the TGPC regarding the BFI landfill in Sinton. Mr. Maxwell stated there is a lawsuit currently underway between BFI and other Sinton residents and submitted a report to TGPC members relating to the lawsuit. He felt that BFI had not

fulfilled their obligations relating to a previously settled lawsuit.

Jerome Tinsman also addressed the TGPC regarding the BFI landfill in Sinton, Texas. He stated that it was the TGPC's duty to protect state groundwater, and described what he felt were inappropriate practices at the BFI landfill in Sinton.

Ms. Ambrose stated that the TGPC has no regulatory jurisdiction over the issues raised by the speakers. She said that she would pass the submitted material to the appropriate TNRCC staff for their review and that TGPC members would be available for discussion after the meeting had adjourned.

VIII. Adjourn

Ms. Ambrose adjourned the meeting at 2:4 p.m.

Prepared by Steve Musick, TNRCC