

**ACTIVITIES OF THE
TEXAS GROUNDWATER PROTECTION COMMITTEE
REPORT TO THE 72ND LEGISLATURE**



TEXAS GROUNDWATER PROTECTION COMMITTEE

**TEXAS WATER COMMISSION
TEXAS WATER DEVELOPMENT BOARD
RAILROAD COMMISSION OF TEXAS
TEXAS DEPARTMENT OF HEALTH
TEXAS DEPARTMENT OF AGRICULTURE
TEXAS STATE SOIL AND WATER CONSERVATION BOARD
TEXAS GROUNDWATER CONSERVATION DISTRICTS ASSOCIATION**

JANUARY 1991

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TEXAS GROUNDWATER PROTECTION COMMITTEE

Committee Membership:

- Texas Water Commission
- Texas Water Development Board
- Railroad Commission of Texas
- Texas Department of Health
- Texas Department of Agriculture
- Texas State Soil and Water Conservation Board
- Texas Groundwater Conservation Districts Association

The Activities of the Texas Groundwater Protection Committee was developed and produced by the Texas Groundwater Protection Committee in fulfillment of requirements given in House Bill 1458, Regular Session, 71st Legislature. While the information contained in the report represents the contribution of each individual participating agency and group, the report as a whole is the work of the Committee and does not necessarily reflect all of the views and policies of each participating organization.

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1989 Joint Groundwater Monitoring and Contamination Report
Texas Ground Water Protection Strategy

INTRODUCTION

House Bill 1458

House Bill 1458 (H.B. 1458) sponsored by Representative Lena Guerrero was passed by the 70th Legislature in 1989. H.B. 1458 creates the Texas Groundwater Protection Committee, sets out the State's Ground Water Protection Policy, codified in Chapter 26 of the Texas Water Code, and requires the Texas Water Commission with the advice of the Committee to develop certain plans related to the prevention of water pollution by agricultural chemicals. The bill specifies the Committee's membership and provides for the powers and duties of the Committee.

The Committee's membership is composed of the chief executives of the Texas Water Commission, the Texas Water Development Board, the Railroad Commission of Texas, the Texas Department of Health, and the State Soil and Water Conservation Board, the deputy commissioner of the Department of Agriculture, and a representative selected by the Texas Groundwater Conservation Districts Association. The Water Commission is designated as the lead agency and the Water Commission's Executive Director is designated as the Committee's Chairman with the Executive Administrator of the Water Development Board designated as the Committee's Vice-Chairman. The duties of the Committee, on a continuing basis are: coordinate ground water protection activities of the agencies represented on the Committee; develop and update a comprehensive ground water protection strategy for the state; study and recommend to the legislature ground water protection programs for areas in which ground water is not protected by current regulation; file with the Governor and the legislature a report of the Committee's activities and recommendations for legislation for ground water protection; and publish an annual joint ground water monitoring and contamination report based on the activities of the Committee member agencies, including those of the Texas Water Well Drillers Board. The Committee is also authorized to adopt rules necessary to develop the report.

BACKGROUND

Federal Involvement

In March of 1985, the Texas Department of Water Resources, predecessor to the Texas Water Commission and to the Texas Water Development Board, received a grant from the U.S. Environmental Protection Agency (EPA). One of the purposes of the grant was to improve coordination of ground water protection activities undertaken by State agencies. In response to this federal mandate, the Ground Water Protection Committee, predecessor to the Texas Groundwater Protection Committee, was formed. Since that time, coordination of ground water protection activities of the various state programs and agencies, and development of a comprehensive ground water protection strategy have been mandated and funded through EPA grants administered under the Clean Water Act, Section 106. During Fiscal Year 1991, EPA is requiring states to reassess their ground water protection strategies.

Predecessor Committee

The Ground Water Protection Committee was formed in 1985 and consisted of fifteen members representing five State agencies. The agencies represented included the Texas Water Commission, the Texas Water Development Board, the Railroad Commission of Texas, the Texas Department of Health, and the Texas Department of Agriculture. The Committee's goals were to delineate the current status of state agency-administered ground water protection programs, establish better coordination of these activities, and develop a comprehensive strategy for addressing ground water protection in the state.

The Committee met on a quarterly basis hearing presentations regarding different agencies' programs, exchanging information, and working through subcommittees and task forces to address issues of overlapping jurisdiction, areas where ground water regulatory programs were weak or lacked jurisdiction, and issues of coordination among agencies, local government, and other entities. The Committee developed and published a report delineating the current status of ground water regulatory programs (GWPC, 1986). This report was followed by significant Committee and subcommittee work to develop and publish the State Ground Water Protection Strategy (GWPC, 1988). Additional efforts arising out of the Committee's work developing the Strategy led to the work of a Nonpoint Source Subcommittee and the Ground Water Policy and Classification Task Force. The Nonpoint Source Subcommittee produced the interagency Nonpoint Source Assessment and Management Plan for Ground Water, which was submitted to EPA and is the State's program for addressing nonpoint source contamination of ground water. The Ground Water Policy and Classification Task Force produced the Texas Ground Water Protection Policy, now incorporated in Chapter 26 of the Texas Water Code and a Ground Water Classification System, which is still under consideration by the Committee.

COMMITTEE'S ACTIVITIES 1989-1990

Organization

The effective date of H.B. 1458 and hence the creation of the present Committee was September 1, 1989. The Water Commission, as lead agency, contacted the named agencies and organizations and arranged the first meeting of the newly formed Committee. Groundwork for this first meeting and its agenda were prepared by the predecessor committee at its last meeting in the summer of 1989. The Committee's first meeting was held October 26, 1989 and was attended by Committee members and designated members named by the chief executives of the member agencies. Also attending the first meeting were supporting staff of the various member agencies and interested persons and parties which included other state and federal agencies, local government, public interest groups, environmental consultants, and the general public.

Activities

The Committee has met quarterly since its inception for a total of six meetings through the 1990 calendar year. Its major activities and accomplishments include compilation and publication of the 1989 Joint Ground Water Monitoring and Contamination Report, proposal and adoption of rules to facilitate preparation of the report (See Appendix I), development of a draft State Generic Management Plan for Agricultural Chemicals in Ground Water, updating of the State Ground Water Protection Strategy, and continuing to interface with EPA in important program areas.

At its meetings, the Committee has heard presentations on a number of new or improved ground water protection initiatives from various agencies. These presentations have served to broaden interagency awareness and coordination; and have included a briefing by EPA Region VI staff on federal initiatives in promoting the development of an agricultural chemicals in ground water strategy, a presentation by the Texas Department of Health on their new On-site Sewerage Facility program, a talk on recent changes in the Water Commission's special rules for the protection of the Edwards aquifer in Central Texas, and a presentation on current ground water protection activities of the Water Commission and the Department of Agriculture related to agricultural chemicals and ground water. In addition, during 1990, participating Committee members provided information for the annual Nonpoint Source Management Program Evaluation Report. This report was prepared by Water Commission staff for submittal to EPA, and is an ongoing commitment of the Committee arising from its previous development of the Nonpoint Source Management Plan.

Subcommittees

The Committee has worked through three subcommittees to accomplish its major goals. The Committee's Agricultural Chemicals Subcommittee was set up to develop the draft State Management Plan for Agricultural Chemicals in Ground Water. This Subcommittee, comprised of representatives from each member agency of the Committee, worked with both interested parties and a large group of advisors from agencies and organizations involved in agriculture and with agricultural chemicals. The Subcommittee has met monthly during 1990, and has developed a draft Plan for submittal to the U.S. Environmental Protection Agency. A more informal subcommittee was utilized to prepare the Committee's Joint Groundwater Monitoring and Contamination Report for 1989. Representatives of member agencies provided input to Water Commission staff for compilation and reviewed the draft report. A third subcommittee was appointed to review a Ground Water Classification System developed by the predecessor committee and address implementation of a classification system. Ground water classification was identified as an important priority in the Committee's Ground Water Protection Strategy, and is an important tool in designing and implementing ground water protection programs and in facilitating ground water remediation. The Classification System complements the ground water protection policy adopted by the Legislature in H.B. 1458. The Ground Water Classification System was reviewed and minor revisions were made. A guidance document was developed outlining criteria and technical considerations to be used in applying the Classification System. The Classification System along with this guidance has been presented to the Committee for adoption and recommendation to member agencies for implementation. This proposal has been discussed

by the Committee and will be considered for adoption at its first 1991 calendar year meeting.

Public Records

The Water Commission maintains a mailing list of Committee Members, Designated and Alternate Members, Agency staff, and interested parties for meeting notification. This list is provided in Appendix II. The Water Commission also maintains audio tapes of Committee meetings, and correspondence of the Committee and its subcommittees. The Committee's publications are available through the Texas Water Commission Library. Information regarding each agency's ground water monitoring program and each agency's public files on ground water contamination incidents are maintained by the individual agency or district. Appendix III contains a list of agency contacts for obtaining additional information. Appendix IV provides a list of underground water conservation districts with their mailing addresses for further information about their individual programs and records.

JOINT GROUNDWATER MONITORING AND CONTAMINATION REPORT

House Bill 1458 requires the preparation of an annual Joint Groundwater Monitoring and Contamination Report. The legislation tasks the Committee to prepare the report based on the activities of the Texas Water Commission, the Texas Water Well Drillers Board, the Texas Department of Health, the Texas Department of Agriculture, the Railroad Commission of Texas, and the Texas State Soil and Water Conservation Board. Contributions to the report were also solicited from the Texas Water Development Board and from underground water conservation districts through the Texas Groundwater Conservation Districts Association, both members of the Committee. The Joint Groundwater Monitoring and Contamination Report (TGPC, 1990) describes the current status of ground water monitoring programs of each participating agency, and describes ground water contamination cases documented or under enforcement during the 1989 calendar year. The report further describes the enforcement status of each case of ground water contamination.

Ground Water Monitoring

Several state regulatory agencies require ground water monitoring to assure compliance with guidelines and regulations and to protect ground water from discharges of contaminants. Each agency or specific regulatory program that requires monitoring has its own monitoring program requirements and procedures. Criteria used to assess the need for ground water monitoring varies among the regulating entities. Some agencies do not have specific regulatory functions which would be served by ground water monitoring programs, but may have responsibilities requiring the monitoring of ambient or existing ground water conditions for purposes of planning and research. Agencies or entities such as the Water Development Board and underground water districts conduct project-specific and long term ground water monitoring to determine ambient ground water conditions and to track water quality changes over time. Contamination incidents are often discovered in these sampling programs and ground water studies, and are referred to the appropriate regulatory agency.

There were in 1989 eight major programs in five agencies monitoring over 6,896 facilities for changes in ground water quality. Approximately 979 wells were sampled by the Water Development Board in their monitoring program for ambient water quality. In addition, there was sampling by several agencies related to complaint responses.

Ground Water Contamination

The 1989 Report addresses 2,244 cases of documented ground water contamination. Approximately 90 per cent of the cases are under the jurisdiction of the Water Commission. The remainder are under the jurisdiction of other agencies: the Railroad Commission, the Department of Agriculture, the Department of Health, and the Edwards Underground Water District. The primary contaminants detected include gasoline, diesel, and other petroleum products due to the large number of reported underground petroleum storage tank leaks. Less common organic contaminants include volatile organic compounds such as carbon tetrachloride, benzene, and 1,2 dichloroethane. Other less common contaminants include creosote constituents, solvents, heavy metals, and sodium chloride. Pesticides such as bromacil; atrazine; trifluralin; pendimethalin; 2,4,5-T; picloram; and 2,4-DB were detected in a small number of wells.

The report also describes the status of enforcement action for each of the documented contamination cases. Specific agency enforcement actions are described generally in the report, but because of differing procedures, cannot be summarized here. The activity status for all cases is described in the report with the largest number, 1,237, at the level of contamination confirmed. Approximately 401 cases are involved in ongoing investigations and 48 cases are involved in corrective action planning. Action has been implemented in 301 cases. No further action is necessary in 257 cases that have been given the status of action completed.

The report was completed and reviewed by the Committee in April, 1990. Initial limited distribution of the report occurred in May with the final publication completed in July. The Report is available from the Texas Water Commission Library for a nominal fee. Over 330 copies of the report have been distributed to date.

FUTURE ACTIVITIES OF THE COMMITTEE

Many of the duties given the Committee by H.B. 1458 are ongoing activities, such as coordination of ground water protection activities, updating the ground water protection strategy, the study of areas where ground water is not protected by current regulation, and the compilation of data on ground water monitoring and contamination. In addition, specially targeted projects within the scope of the above mandates are currently underway and others are planned. In addition, new issues and projects may be brought before the Committee by interested parties or the general public.

Ongoing Activities

The Committee through a standing subcommittee will continue to track the ground water monitoring programs of the various state agencies and other entities. This effort will include the compilation of new confirmed ground water contamination incidents, their enforcement status, and the enforcement status of previously documented cases. New efforts in this area will focus on standardizing agency databases for more efficient compilation, development of a subordinate pesticide-specific database, coordination of additional ground water monitoring for agricultural chemicals through the Committee's Agricultural Chemicals Subcommittee, and description of the monitoring programs of underground water conservation districts. Efforts toward the compilation of ground water monitoring and contamination data are underway in preparation for the 1990 calendar year report.

Two significant ongoing projects which fall under the Committee's mandate to coordinate agencies' ground water protection programs are the development of an agricultural chemicals strategy for ground water and the implementation and update of the state's assessment and management plan for nonpoint sources of ground water contamination. Member agencies participating in the Ground Water Nonpoint Source Management Plan will prepare an update of the State's Nonpoint Source Assessment and the State's Nonpoint Source Management Plan during the next biennium. This update of the Assessment and Management Plan will provide the Committee an opportunity to review additional existing contamination sources for possible impact on ground water and review the state's regulatory strategy for nonpoint sources of ground water contamination. The Committee's Agricultural Chemicals Subcommittee in 1991 will test the newly developed draft Generic State Management Plan for Agricultural Chemicals in Ground Water through application of the Plan to a specific pesticide. The test of the Plan will allow fine-tuning of the Plan and of agency responses. The Committee's Ground Water Classification Subcommittee will continue test implementation of the proposed Ground Water Classification System in order to explore the practicality of differential protection and the issue of consistency in application across program lines.

New Projects

New projects under consideration by the Committee include study of the State Ground Water Protection Strategy and enhanced coordination efforts in the area of public education. One of the purposes of this report is to provide a brief update of the Strategy in light of the newly reorganized Committee and its new members. The update is described more fully in a later section of this report. The Committee is, however, planning a more detailed review of the Strategy in order to meet recent EPA requirements under the Clean Water Act, Section 106. A major task for the Committee in Fiscal Year 1991 is the review of the Strategy in terms of new EPA guidance. Public education is a major component of the State Strategy, as well as the State's Nonpoint Source program. The Committee hopes to develop a more organized and coordinated public education effort. The Committee's plans are to improve coordination and information flow among the agencies and organizations which develop and generate information and regulatory procedures and those which have existing networks for distribution of information.

GROUND WATER PROTECTION STRATEGY

Strategy Development

The Texas Ground Water Protection Strategy (GWPC, 1988) was developed by the Ground Water Protection Committee, the predecessor committee to the Texas Groundwater Protection Committee created by H.B. 1458. The Strategy was preceded by the compilation of existing ground water programs published by the predecessor committee and titled Texas Ground Water Protection Activities - 1986 (GWPC, 1986). The Strategy was developed by six subcommittees consisting of committee members, agency staff, and interested parties over the course of many months. The Strategy is intended to be a flexible guide for state agencies and others in developing and implementing ground water protection efforts.

The Strategy outlines goals, needs, and recommendations in six important areas: Interagency Coordination; Hazardous and Non-Hazardous Materials Management; Public Water Supply; Rural Water Supply; Research; and Legislation. Within these areas, the following strategy elements are discussed: status of existing programs; gaps or inadequacies in these programs; areas of currently unaddressed ground water issues; recommendations for changes or improvements in existing programs and institution of new programs where needed. The final chapter of the Strategy summarizes the important needs and goals for improvement of ground water protection efforts.

Strategy Implementation Since 1988

House Bill 1458 requires the Committee to "develop and update a comprehensive ground water protection strategy for the state that provides guidelines for the prevention of contamination and for the conservation of ground water and that provides for the coordination of the ground water protection activities of the agencies represented on the committee." In response to this mandate, the Committee considered the Strategy developed by its predecessor in 1988. The Committee felt that rather than pursue a comprehensive review of that Strategy, that it would be more appropriate to catalog the results of implementation of that Strategy since 1988 and allow the new members of the Committee, who did not participate in the development of the Strategy, to provide input.

Ground Water Protection Goals

The goals of the Committee as well as its predecessor committee have been the protection of ground water in the state; the development and improvement of protection programs for areas not currently regulated; the coordination of state agency, local, and federal efforts toward ground water protection; and education of the public about the importance of ground water and ground water protection. In order to set up a framework through which to pursue these goals, the Strategy recommended continuation of the Committee and the granting of legislative standing to the Committee; the adoption of a State Ground Water Protection Policy and a Ground Water Classification System; the expansion of ground water monitoring efforts; and the delineation of the extent of ground water contamination in the state. Considerable

progress has been made since 1988 toward these goals through the diligent work of the Legislature and the participating agencies and organizations. H.B. 1458, as previously noted, gave legislative standing to the Committee and set out the State's Ground Water Protection Policy. The Committee has taken the mandate of H.B. 1458 and begun the task of delineating ground water monitoring programs and the compilation of ground water contamination cases through its annual joint report. The Committee has also developed a Ground Water Classification System for consideration and implementation by member agencies. Many of the recommendations of the Strategy, aimed at meeting the above goals, have been implemented or begun. The following is a brief description of some of the more important ground water protection efforts underway which were highlighted by the Strategy.

New Programs

A number of new programs for the protection of ground water were identified in the Strategy and have been implemented or substantially begun. Some of these programs, while identified in the Strategy, were developed and carried out by individual agencies often under other legislative mandates. These programs included the TWC Underground Storage Tank program, the TWC/TDH Wellhead Protection program, a RRC rulemaking initiative to expand its regulations to cover shallow exploratory holes, and the TWC program for aquifer vulnerability mapping. Some programs receiving strong impetus from the Strategy and significant assistance from the Committee included the Nonpoint Source Assessment and Management Plan for Ground Water, and the efforts, to date, in the development of an agricultural chemical strategy for ground water.

Expanded Programs

A number of existing ground water protection programs were identified by the Strategy as effective programs which should be continued and expanded. These programs were established programs implemented by individual agencies. These programs include the TWC/TWDB Critical Ground Water Areas program, the TDH On-site Sewerage program, the TWDB Ground Water Monitoring program, the TWC Edwards Aquifer Protection program, and the TWC Class V injection well strategy. Substantial improvements or expansion have occurred in these programs since the publication of the Strategy. The Critical Areas program was streamlined by legislation in 1989. The Water Development Board and the Water Commission have completed the report milestones for 13 critical area studies and begun a new study during 1990. Two additional studies are planned for 1991. The TDH has implemented an expanded, ongoing regulatory program for on-site sewerage systems, which requires a county regulatory program which may be delegated to local government. The scope of the Water Development Board's statewide ground water monitoring program has been expanded to include sampling for synthetic organic, radioactive elements, and other contaminants of concern. The TWC's special regulatory program for the Edwards aquifer has been expanded to include Travis County and the program has been modified to provide more regional consistency, more input from local ground water districts, and more protective requirements for sewage discharges and other activities. A Class V injection well strategy has been approved by EPA which involves coordination with the Wellhead Protection Program and an aggressive policy on service station disposal wells. All of these programs have been

enhanced to provide greater ground water protection. The programs are ongoing and designed to respond as changes occur to maintain a high level of ground water protection.

The Texas Department of Health's (TDH) regulatory program for public water supply systems has expanded greatly since the Strategy was developed. TDH now monitors for a much larger number of chemicals in drinking water. Efforts have begun to enhance existing water system inventory data, including precise longitude and latitude information. In the area of radiation control, TDH has recently broadened the scope of their ground water protection program. New rules were adopted that address ground water protection with stricter standards for facilities that manage uranium or thorium byproduct materials. The TDH solid waste management program has also been significantly expanded in the area of ground water protection. Changes in the program include a comprehensive review of ground water monitoring at 119 municipal solid waste disposal sites, increased review of new monitoring data, increased verification of monitoring data and field sampling techniques, increased review of soil and liner reports, and more frequent inspections.

The Texas Department of Agriculture (TDA) has been active in several program areas identified in the Strategy. TDA surveyed 188 water wells for pesticide residues in 1987 and 1988. The results of this work are given in the Committee's 1989 Joint Monitoring and Contamination Report (TGPC, 1990). Additional water well sampling is planned for the future to complement this work. In its program for pesticide registration, TDA now requires the submission of environmental fate data. This information along with other data is considered in determining potential threats to ground water. TDA's enforcement program has been expanded to increase compliance monitoring and response to complaints. An important concern to the Department of Agriculture is the development of sustainable agricultural cropping systems to reduce the amount of agricultural chemicals used for agricultural production.

Interagency Coordination

Interagency coordination is a major goal of both the Strategy and the Committee. The most important achievements in this area since the development of the Strategy are the granting of legislative recognition to the Committee, the expansion of Committee membership to include the State Soil and Water Conservation Board and the Texas Groundwater Conservation Districts Association, the development of the Nonpoint Source Management Plan, and the current work of the Committee's Agricultural Chemicals Subcommittee. Legislative recognition has enhanced the standing of the Committee both within member agencies and with other organizations and federal agencies facilitating the Committee's work. Expansion of the Committee's membership has broadened the perspective and scope of the Committee's work, especially in providing representation for more local and regional input. The development of the Nonpoint Source Management Plan provided a model for interagency coordination. A high level of coordination was achieved in both the development and implementation of the management plan. Currently the Committee's efforts to develop a management plan for agricultural chemicals in ground water involves the greatest level of interagency cooperation to date. The development of the plan involves all the member organizations of the Committee and a large group of advisors, which includes state organizations, federal agencies, grower and producer groups, consultants, and trade

associations. Implementation of the plan when finalized will also involve the cooperative efforts of many agencies and groups. Increased interagency cooperation through the efforts of the Committee has greatly improved the state's ground water protection programs.

Public Education

Most public education efforts addressed by the Strategy have been implemented on an individual agency or program basis. The development of a coordinated and comprehensive public education program remains an important goal of the Committee. Recent efforts in the Nonpoint Source Management program and the Wellhead Protection program have been major steps toward improved public education. These efforts have included an annual ground water protection seminar sponsored by the Water Commission for local officials and the interested public and coordinated work among participating agencies in the development of ground water protection information and dissemination of information at local ground water protection seminars. Public education efforts have been expanded from the traditional ground water agencies to include the Agricultural Extension Service, the State Soil and Water Conservation Board, and Area Councils of Government.

Texas State Soil and Water Conservation Board

The Texas State Soil and Water Conservation Board was created by the Legislature in 1939. The Soil and Water Conservation Board is charged with the overall responsibility for administering and coordinating the State's soil and water conservation programs with the State's soil and water conservation districts. The agency's primary responsibility with regard to ground water protection involves planning, implementing, and managing programs and practices for abating agricultural and silvicultural nonpoint source pollution. The Board has been an active member of the Committee, and has a major role in the development of the draft plan for agricultural chemicals in ground water.

The traditional and ongoing activities of the Board in cooperation with and through the State's Soil and Water Conservation Districts include development and technical assistance for individual farm conservation plans and education regarding concerns and practices in soil and water conservation, and water quality. In recent years, more emphasis has been placed on nonpoint sources of water pollution, such as farm waste and the application of agricultural chemicals. The Board has worked cooperatively with federal and state agencies and particularly through the Committee to address these issues. With regard to ground water protection issues, the role of the Board in the draft agricultural strategy is an important one involving the delineation of crop and pesticide use patterns and the dissemination of best management practices for the use and application of agricultural chemicals. The issues and concerns of the Board involve primarily the impacts on ground water from nonpoint sources of pollution and the need for coordination and cooperation among appropriate agencies and organizations.

Texas Groundwater Conservation Districts Association

Since 1988, ground water conservation districts have been active on several, important ground water protection issues. Activities of statewide significance include the formalization and development of the Texas Groundwater Conservation Districts Association, its involvement with the Committee, and its cooperation with various state agencies. The Association has been active in developing its membership by sharing information from the combined experiences of local ground water conservation district managers and directors from across the State. The organization is dedicated to keeping its members involved and informed on developing issues impacting ground water statewide by promoting conservation and aquifer protection activities; educating membership and other interested parties on ground water protection techniques; and the management of ground water resources in general.

Each district in the state has programs that are targeted towards the important issues of that area of the state. Programs that are typical of most districts include water quality monitoring programs, water quantity studies on use and net depletion, well registration programs, well permitting programs for regulated wells, new well construction programs, water conservation efforts, newsletter and public education efforts. Districts, as local entities, provide close contact with the ground water resource and the people who are dependent upon its protection. A list of ground water conservation districts is presented in Appendix IV.

The Association has furthered education of its members and interested parties through its quarterly meetings and informative agendas at various member districts around the state and through presentations at numerous meetings in areas of the state considering formation of new ground water districts. The Association has prepared an audio-slide show presentation describing the benefits and programs provided by local ground water conservation districts. The Association and its members were also instrumental in developing an operations manual for Groundwater Conservation District. The Association is currently compiling a detailed listing of the existing ground water conservation districts and their activities. The Association has been an active participant in the Committee's work including participation and input in the activities of its Subcommittees.

The issues and concerns of the Association and its members include both ground water supply issues and protection of the quality of ground water. Water supply issues include the lack of the ability to inventory all water wells within a district and the use of fresh and usable quality ground water for uses where available saline sources may be more appropriate. Water quality issues include past contamination problems, the ability to address contamination from current activities and practices affecting water in rural and suburban areas, and the need for greater coordination with state regulatory agencies in designing, implementing, and enforcing ground water protection programs.

RECOMMENDATIONS TO THE LEGISLATURE

Recommendations

The draft 1990 update of the Texas Water Development Board's Water for Texas (TWDB, 1990) contains recommendations regarding the Committee. These recommendations include ongoing Legislature support of the Committee, legislative support and funding for the implementation of the Agricultural Chemicals Strategy for ground water, evaluation of agency ground water data systems, and evaluation of the need for additional authority for local governments in the area of ground water protection. While the Committee supports the goals and concerns of the Revised 1990 Update of the Water Plan, the specific recommendations made have not been reviewed by the Committee. The Committee, however, recommends that the Legislature consider the recommendations presented in the Water Plan.

Currently drillers of water wells are licensed by the Texas Water Well Drillers Board. This licensing does not extend to installers of pumps. It is felt that this activity can impact ground water resources if not properly accomplished. It is recommended that the Texas Water Well Drillers Board be given the authority to license pump installers.

Procedures for conducting studies of and designating critical ground water areas are given in Chapter 52 of the Water Code. The recent experience of the Water Commission and the Water Development Board in the critical area program indicates that some procedures require further clarification and minor modification. These procedures relate to annexation of designated critical areas to existing districts, the use of fees for the retirement of bonds, and Water Commission action in the case of non-designation of an area. In addition, much public comment presented to the Water Commission during the course of its critical area studies suggested that the Legislature should consider two important aspects of district creation and the critical area process. The first of these two issues is the lack of authority in Chapter 52 for the levying of a fee as an option for district funding. The second issue is the appropriateness of the penalty for the failure of voter confirmation of a district in a designated critical area. The Committee recommends that the Legislature work with the Texas Groundwater Conservation Districts Association and the Water Commission to address these issues.

Funding and Resource Issues

Ground water protection has increasingly become a more important concern of both the general public and federal agencies. High quality ground water resources are of vital importance to the State and the public welfare. The State has responded to this need through the actions of the Texas Groundwater Protection Committee and through the actions of the individual agencies and organizations represented on the Committee. The new and expanded activities and programs described in the Strategy and in this report should be supported to the fullest extent possible. The Committee urges the Legislature to carefully consider the Legislative Appropriations Requests of the individual agencies and provide the funds necessary to carry out the existing and recommended ground water protection programs.

REFERENCES

Ground Water Protection Committee (GWPC), 1986, Texas Ground Water Protection Activities - 1986.

ibid, 1988, Texas Ground Water Protection Strategy

Texas Groundwater Protection Committee (TGPC), 1990, Joint Groundwater Monitoring and Contamination Report.

Texas Water Development Board (TWDB), 1990, Water for Texas - Today and Tomorrow.

APPENDIX I
PROPOSED COMMITTEE RULES

TEXAS GROUNDWATER PROTECTION COMMITTEE

General Provisions Relating to Public Files and Joint Report

§§ 1-5

These sections are promulgated under the authority of Texas Water Code §26.406, which authorizes the Texas Groundwater Protection Committee to adopt any rules necessary to carry out its powers and duties under Chapter 26 of the Water Code and to establish and approve general policy of the committee.

§ 1. Purposes of Rules. The purpose of these sections is to implement duties and responsibilities assigned to the committee under Texas Water Code §26.406 relating to the maintenance by certain state agencies of public files containing documented cases of ground water contamination and the publication by the committee, in conjunction with the commission, of annual ground water monitoring and contamination reports and to establish general policies of the committee to guide such implementation.

§ 2. Applicability. These rules specifically apply to each state agency having responsibilities related to the protection of ground water, and include the Texas Water Commission, the Texas Water Well Drillers Board, the Texas Department of Health, the Department of Agriculture, the Railroad Commission of Texas, and the State Soil and Water Conservation Board.

§ 3. Definitions. The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

Act--House Bill 1458 (71st Regular Session) codified as §§26.401-407 Texas Water Code.

Commission--Texas Water Commission

Committee--Texas Ground Water Protection Committee

Enforcement Action--Any action of the agencies, identified in § 2 of this chapter, which accomplishes or requires the, identification, documentation, monitoring, assessing, or remediation of ground water contamination.

Ground Water--Water below the land surface in a zone of saturation.

Ground Water Contamination--The detrimental alteration of the naturally occurring physical, thermal, chemical, or biological quality of ground water. Further, ground water contamination, for purposes of inclusion of cases in the public files and the joint ground water monitoring and contamination report, shall be limited to contamination reasonably suspected of having been caused by activities or by entities under the jurisdiction of the agencies identified in § 2 of this chapter, except in the case of an underground source of drinking water granted an aquifer exemption by the commission with concurrence from the U.S. Environmental Protection Agency in accordance with 40 CFR Parts 144, 145, and 146 and 31 TAC Chapter 331; and affecting ground water which contains a concentration of:

- (a). less than or equal to 10,000 milligrams per liter (mg/L) of dissolved solids, or
- (b). greater than 10,000 mg/L if it is:
 - (i). currently extracted for beneficial use such as domestic, industrial, or agricultural purposes, or
 - (ii). hydrologically connected with and with the potential for contaminant movement to a surface water body or another zone of ground water which has a concentration of less than or equal to 10,000 mg/L of dissolved solids.

§_4. Public File.

- (a). Subject to the limitations provided by the act and the Open Records Act, Texas Civil Statutes, Article 6252-17a, information collected, assembled, or maintained by the committee and the agencies subject to the act is public record open to inspection and copying during regular business hours.
- (b). Each agency shall maintain a public file of all documented cases of ground water contamination that are reasonably suspected of having been caused by activities regulated by the agency.

§_5. Joint Ground Water Monitoring and Contamination Report. In conjunction with the commission, the committee shall publish not later than April 1 of each year a joint ground water monitoring and contamination report covering the activities and findings of the committee made during the previous calendar year. The report must:

- (1) Describe the current status of ground water monitoring programs conducted by or required by each agency at regulated facilities or in connection with regulated activities.
- (2) Contain a description of each case of ground water contamination documented during the previous calendar year and of each case of ground water contamination documented during previous years for which enforcement action was incomplete at the time of issuance of the preceding report.
- (3) Indicate the status of enforcement action for each case of ground water contamination that is included in the report.

APPENDIX II
COMMITTEE MEMBERSHIP
AND LIST OF PARTICIPATING INTERESTED PARTIES

TEXAS GROUND WATER PROTECTION COMMITTEE

Members

Chairman

Allen P. Beinke, Jr., Executive Director
Texas Water Commission
P.O. Box 13087, Capitol Station
Austin, Texas 78711-3087

Designated Chairman
Bruce E. Fink
Ph. # (512) 371-6318

Vice Chairman

G. E. Kretschmar, Executive Administrator
Texas Water Development Board
P.O. Box 13231, Capitol Station
Austin, Texas 78711-3231

Designated Vice Chairman
Tommy Knowles
Ph. # (512) 463-8407

Walter H. Washington, Jr.
Acting Executive Director
Railroad Commission of Texas
P.O. Drawer 12967, Capitol Station
Austin, Texas 78711-2967

Designated Representative
Richard Ginn
Ph. # (512) 463-6796

Robert Bernstein, MD
Commissioner of Health
Texas Department of Health
1100 West 49th Street
Austin, Texas 78756

Designated Representative
James E. Pope
Ph. # (512) 458-7533

Alternate - Anthony Bennett
Ph. # (512) 458-7497

Members - Cont.

Mike Moeller
Deputy Director
Texas Department of Agriculture
P.O. Box 12847
Austin, Texas 78711

Alternates - Susan Rieff or Bob King
Ph. # (512) 463-7504

Robert G. Buckley
Executive Director
Texas State Soil and Water Conservation Board
P.O. Box 658
Temple, Texas 76503

Designated Representative
James Moore
Ph. # (817) 773-2250

Mark Hoelscher, President
Texas Groundwater Conservation District Association
P.O. Box 1314
Stanton, Texas 79782
Ph. # (915) 756-2136

Designated Representative
Bill E. Couch
Barton Springs - Edwards Aquifer
Conservation District
1124A Regal Row
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Ph. # (512) 282-8441

U.S. Environmental Protection Agency Liaison

Ken Williams
Texas Coordinator (GW-S)
U.S. Environmental Protection Agency
Region VI
Allied Bank Tower at Fountain Place
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Agency Staff - Texas Department of Agriculture

**Lea Aurelius
Pesticide Evaluation Program
Texas Department of Agriculture
Stephen F. Austin Building
Ph. # 463-7537**

**Nancy Cox
Office of Natural Resources
Texas Department of Agriculture
Stephen F. Austin Building
Ph. # 463-8425**

Agency Staff - Texas Department of Health

**Stephen D. Etter, Ph.D.
Bureau of Radiation Control
Texas Department of Health
1212 E. Anderson Lane
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Bureau of State health Planning
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Chief, Bureau of Environmental Health
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Agency Staff - Texas Water Commission

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Ph. # 463-7749

Robert Conti
Water Quality Division
Wastewater Enforcement Section
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Ph. # 463-8497

Katherine Davis
Hazardous & Solid Waste Division
Texas Water Commission
Ph. # 463-8425

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Grants Management Unit
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Bill Klemt
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Texas Water Commission
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Agency Staff - Texas Water Commission - Cont.

**Jack Kramer
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Ph. # 371-6231**

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**Ron Pedde
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Office of Policy and Research
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Director, Water Rights & Uses Division
Texas Water Commission
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Texas Water Commission
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Water Well Drillers Board Assistance Unit
Texas Water Commission
Ph. # 371-6252

Agency Staff - Texas Water Development Board

Henry Alvarez
Water Availability Data Studies
Texas Water Development Board
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Phil Nordstrom
Ground Water
Texas Water Development Board
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Agency Staff - State Universities

John M. Sweeten, Ph.D., P.E.
Extension Agricultural Engineer
Waste Management
303 Agricultural Engineering Building
Texas A&M University
College Station, Texas 77843
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Interested Parties

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Texas Mid-Continent Oil & Gas Association
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Interested Parties - Cont.

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Brown-Maroney-Rose-Barber & Dye
1300 One Congress Plaza
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LAW Engineering Testing Company
5500 Guhn Road
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**Al Axe
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Water Quality Division
Dept. of Environmental & Conservation Services
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11 Commodore Plaza, Room 14.127
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Interested Parties - Cont.

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McGinnis, Lochridge, & Kilgore
919 Congress
Austin, Texas 78701
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Texas Center for Policy Studies
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Ph. # 474-0811**

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San Antonio, Texas 78283-3966
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Interested Parties - Cont.

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Ph. # 463-0552**

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Hall Southwest
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Ph. # 458-5249**

**Stuart Henry
Water Resources Chairman
Lone Star Chapter, Sierra club
2103 Rio Grande
Austin, Texas 78705
Ph. # 479-8125**

**Ken Kramer
Director
Lone Star Chapter
Sierra Club
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Austin, Texas 78767
Ph. # 476-6962**

**Harvey Kunze
Water Resources Division
Planning Department
City of San Antonio
P.O. Box 839966
San Antonio, Texas 78283-3966**

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section Manager
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5599 San Felipe, Suite 700
Houston, Texas 77056**

Interested Parties - Cont.

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Texas Low Level Radioactive Waste
Disposal Authority
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Austin, Texas 78752**

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AMOCO Chemical
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Natural Resources Coordinator
Lieutenant Governor's Office
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Ph. # 463-0010**

**Catherine Perrine
Water Director
League of Women Voters of Texas
7616 Royal Place
Dallas, Texas 75230
Ph. # (214) 368-7889**

**Alan Rodgers
2128 La Manda
San Antonio, Texas 78201**

**Raymond G. Sschaefter, P.G.
E.I. Du Pont De Nemours & Company
Engineering Department
P.O. Box 3269
Beaumont, Texas 77704**

**Jim Shannon
Brazos Electric Power
Cooperative, Inc.
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Waco, Texas 76702**

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U.S. Department of Interior
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Robert Wallace
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Austin, Texas 78720-1088
Ph. # 454-4797

The Honorable Gerald V. Yost
State Representative
Capitol Building, Room 154 E.
Austin, Texas 78701
Ph. # 463-0750

APPENDIX III
LIST OF AGENCY CONTACTS

AGENCY CONTACTS

The following is a list of names of persons to contact for further information regarding specific ground water contamination cases:

TEXAS WATER COMMISSION (TWC) -

Petroleum Storage Tank Division (PST):	Tom Lewis (512) 371-6200
Hazardous and Solid Waste Division (HSW):	Paul S. Lewis (512) 463-8425
Hazardous and Solid Waste Division, SUPERFUND (SUP):	James Feeley (512) 463-7785
Water Quality Division (WQD):	Geof Meyer (512) 463-8063
Field Operations Division (FOP):	David Barker (512) 463-7727
Water Rights and Uses Division (WRU):	Bruce Fink (512) 371-6318
Underground Injection Control (UIC): (CLASS III Injection Wells)	Dale P. Kohler (512) 371-6322

TEXAS WATER WELL DRILLER'S BOARD (TWWDB) -

Steve Wiley	(512) 371-6252
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TEXAS DEPARTMENT OF HEALTH (TDH) -

Bureau of Radiation Control (BRC):	Stephen D. Etter (512) 835-7000
Division of Water Hygiene:	James E. Pope (512) 458-1497

TEXAS DEPARTMENT OF AGRICULTURE (TDA) -

LeMarcus Johnson	(512) 463-7476
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RAILROAD COMMISSION OF TEXAS (RRC) -

Surface Mining and Reclamation Division:

**Sergio Garza
(512) 463-6900**

Oil and Gas Division:

**Richard Ginn
(512) 463-6796**

**TEXAS STATE SOIL AND WATER CONSERVATION
BOARD (TSSWCB) -**

**James M. Moore
(817) 773-2250**

TEXAS WATER DEVELOPMENT BOARD (TWDB) -

**Henry J. Alvarez
(512) 445-1424**

**TEXAS GROUNDWATER CONSERVATION DISTRICTS
ASSOCIATION (TGCD) -**

**Mark Hoelscher
(915) 756-2136**

Edwards Underground Water District (EUWD) -

**Michael Albach
(512) 222-2204
1-800-292-1047**

**High Plains Underground Water
Conservation District -**

**Don McReynolds
(806)762-0181**

APPENDIX IV

LIST OF UNDERGROUND WATER CONSERVATION DISTRICTS

UNDERGROUND WATER CONSERVATION DISTRICTS

Mr. Robert McFarland
Chairman, Board of Directors
Anderson County Underground
Water Conservation District
P.O. Box 1897
Palestine, Texas 75802
214/723-8800

Mr. Bill E. Couch
General Manager
Barton Springs-Edwards Aquifer Conservation District
1124-A Regal Row
Austin, Texas 78748
512/282-8441

Mr. Mark Riser
President
Brush Country Underground Water Conservation District
P.O. Box 1018
George West, Texas 78022
512/449-2325

Mr. Eph Cummings
Manager
Coke County Underground Water Conservation District
P.O. Box 34
Robert Lee, Texas 76945
915/453-2232

Mr. Rudolf Tate
Chairman, Board of Directors
Collingsworth County Underground Water Conservation District
Quail Route
Memphis, Texas 79245

Ms. Emily Diller
Executive Secretary
Dallam Cnty. Underground Water Conservation District #1
P.O. Box 103
Texline, Texas 79087
806/362-4569

Mr. Russell Masters
General Manager
Edwards Underground Water District
P.O. Box 15830
San Antonio, Texas 78212
512/222-2204

Ms. Rebecca L. Raabe
General Manager
Evergreen Underground Water Conservation District
Box 155
Jourdanton, Texas 78026
512/769-3740

Mr. Carl J. Stephens
Chairman
Fort Bend Subsidence District
3331 Cartwright
Suite 100
Missouri City, Texas 77459
713/261-1060

Mr. Dale Henry
Chairman
Fox Crossing Water District
P.O. Box 157
Mullin, Texas 76864
915/985-3576

Mr. Ricky Harston
Manager
Glasscock County Underground Water Conservation District
P.O. Box 208
Garden City, Texas 79739
915/354-2430

Mr. Ronald J. Neighbors
General Manager
Harris-Galveston Coastal Subsidence District
1660 West Bay Area Boulevard
Friendswood, Texas 77546
713/486-1105

**Mr. Rick Illgner
General Manager
Hickory Underground Water Conservation District #1
P.O. Box 1214
Brady, Texas 76825
915/597-2785**

**Mr. A. Wayne Wyatt
General Manager
High Plains Underground Water Conservation District #1
2930 Avenue Q
Lubbock, Texas 79405
806/762-0181**

**Mr. Paul Tybor
General Manager
Hill Country UWCD
Box 491
106 N. Adams
Fredericksburg, Texas 78624
512/997-4472**

**Mr. Jack Lynch
President
Hudspeth County Underground Water Conservation District #1
Box 317
Dell City, Texas 79837
915/964-2620**

**Mr. Jake Payton
General Manager
Irion County Water Conservation District
P.O. Box 497
Mertzon, Texas 76941
915/835-2015**

**Mr. Allan Lange
Manager
Lipan-Kickapoo Water Conservation District
Box 67
Vancourt, Texas 76955**

Mr. Mark Hoelscher
Manager
Martin County Underground Water Conservation District
Box 1314
Stanton, Texas 79782
915/756-2136

Mr. Fred Bell
Chairman
Mesa Underground Water Conservation District
Drawer 30
Lamesa, Texas 79331
806/872-2524

Mr. Richard S. Bowers
General Manager
North Plains Ground Water Conservation District No. 2
P.O. Box 795
Dumas, Texas 79029
806/935-6401

Mr. C. E. Williams
General Manager
Panhandle Ground Water Conservation District Number Three
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White Deer, Texas 79097
806/883-2501

Ms. Helen Blakeway
Executive Secretary
Plateau Underground Water Conservation & Supply District
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Mr. Beryl Mitchell
Real-Edwards Conservation and Reclamation District
P.O. Box 43
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512/234-3351

Mr. Gary Walker
Manager
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Box 130
Plains, Texas 79355
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**Ms. Melanie Connally
Santa Rita Underground Water Conservation District
P.O. Box 849
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**The Hon. Norris Monroe
Saratoga Underground Water Conservation District
P.O. Box 231
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**Ms. Gerry Robertson
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**Mr. Phil Becker
President
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**Mr. Joe David Ross
Chairman, Temp. Brd. of Directors
Sutton County Underground Water Conservation District
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