Summary
Texas Commission on Environmental Quality
Drinking Water Advisory Work Group
March 25, 2003
TCEQ Complex, Building F, Room 2210
12015 Park 35 Circle (I-35 North between Braker and Yager)
9:00 am - 12:00 noon

Welcome/Introduction - Buck Henderson

PDW Program Update - Tony Bennett

A handout was provided on the Public Water System Rule Schedule.

- EPA has granted an extension to the Rad-Chem adoption by TCEQ until Dec 2004. Effective date of the rule is December 2003. If TCEQ does not adopt rules by December 2003, EPA will enforce.
- Arsenic rule effective date is Jan 2006. Adaption Deadline with the extension is January 2005
- HB 1630 is a companion bill to SB 856: It contains exemption for small community water systems from public drinking water standards for certain naturally occurring materials. This bill would effect primacy status in its existing form.
- Filter Backwash Recycling and LT1 rules are in process to be proposed by the Commission.
- Six Year Review by EPA determined that only the coliform rule needed revision at this time.
- Radon final adoption status is not clear at this time.
- GWR will be finalized late summer or early fall.
- DBP-2 and LT2-both scheduled to be proposed by EPA probably June or July.
- New MCLS- will be pushed out about a year for proposal by EPA no sooner than mid 2004.

Source Water Assessment & Protection Update - Greg Rogers

The Safe Drinking Water Act Amendments of 1996 require all states to develop a source water assessment for all public water systems. The Texas SWAP program has partnered with the USGS to develop an interactive software which will enable the state to re-run the assessments as new information is available and add new functionality as the program develops. Currently the SWAP program has completed 573 reports which will be mailed to the water systems by the end of April or early May. The systems should review the information of completeness and accuracy and send us any corrections in writing with supporting documentation (e.g. well logs). A SWAP Public Forum meeting will be scheduled close to the time of the initial mail out.

Perchlorate Update - Ken May

- Perchlorate is a negatively charged ion, an anion, consisting of one chloride molecule with four oxygen molecules attached, $Cl04^-$.
- Perchlorate is used in the manufacturing of air bags, road flares, fireworks, fertilizer, and by the Department of Defense (DoD) as a rocket fuel additive.
- Perchlorate is known to disrupt the uptake of iodine in the thyroid, decreasing production of the thyroid stimulating hormones, T3 and T4.

  The TCEQ has been pursuing information on perchlorate through increased monitoring and participation in intra-agency and inter-state perchlorate working groups since late 1997.
- To date, we have identified five sites through our Remediation and/or Superfund programs, and identified the non-point source contamination in West Texas.
- In Texas, 215 public water systems have been sampled for perchlorate. 145 of these were sampled through the Environmental Protection Agency's (EPA) Unregulated Contaminant Monitoring Rule (UCMR), and 70 of these were sampled through our ongoing investigations into perchlorate contamination in West Texas. The State of Texas has 225 public water systems participating in UCMR monitoring for perchlorate during the 2003 annual year.
- In Texas, we have 48 public water systems with detectable levels of perchlorate in their source water. 23 of these have perchlorate levels greater than the State Interim Action Level (IAL) of 4 parts per billion (ppb). 10 of these 23 public water systems are able to remove the perchlorate prior to distribution by the use of reverse osmosis, and the remaining 13 water systems have levels greater than our IAL in the finished water. 25 additional public water systems have perchlorate in their source water at detectable levels below the IAL.
- Under the UCMR monitoring program, the State of Texas has had five detects for perchlorate. The City of

Midland, the City of Levelland, and the City of Kingsville each had detects above the IAL. The City of Borger had a low level detect in their surface water entry point and all subsequent sample analysis of all their water sources has resulted in non-detects for perchlorate. The Texas Department of Health invalidated a perchlorate sample reported above the IAL for the Four Way WSC after follow-up investigation into the QA/QC did not meet the required confidence levels. Follow-up sampling was all non-detect for perchlorate.

- Phase I of the Texas Tech University (TTU) contracted work with the TCEQ has been completed. TCEQ staff are reviewing draft copies of TTU's report. Phase I included: identifying the extent of perchlorate contamination in a 9 county area of West Texas; identifying the potential sources of contamination; investigation into the Levelland elevated storage tank (EST) issue. This was done by collecting raw water samples from both private and public water supply wells located within the nine county area, beginning with those wells most proximal to the City of Midland's well fields, and moving outward upgradient of the angle of ambient flow for the aquifer. This also included laboratory experiments to recreate the Levelland EST scenario to identify potential sources of perchlorate there.
- In summary of Phase I, 73% of wells sampled had detectable levels of perchlorate, and 35% had levels greater than the IAL. The highest level detected in a public water supply well was 45.6 ppb, with the highest well result of 58.66 ppb being from a private water well in Midland County.
- At present there is no clear source for the West Texas contamination. TTU has listed four potential sources as primary possibilities. These include; 1) naturally occurring perchlorate, 2) agricultural fertilizers, 3) in situ generation of perchlorate by electrochemical reaction from cathodic protection systems, and 4) a combination of the three.
- Through the TTU research, we have almost ruled out DoD activities as a potential source in West Texas, however, with all due respect for our DoD representative, we must maintain DoD activities as a potential source in our investigations until we identify the actual source.
- The TTU, in a laboratory environment, did recreate the conditions of the Levelland EST and did generate perchlorate through applying a 6.3 Volt or greater electric current over 338 hours. The levels of perchlorate generated ranged from 64 ppb to 113 ppb.
- The US EPA has received courtesy sample sets, and our data on the Levelland EST. They will be formulating their own opinions on this scenario based upon the information provided, as well as studies of their own. This does have potential implications for future regulation of cathodic protection systems and ESTs nation wide.
- Phase II of the TTU study has begun. This will be a 39 county area study area, including the original 9 counties, and stretching North to Lake Meredith.
- Phase II will include further research into potential sources. TTU will be drilling wells for bore extraction and analysis for perchlorate to identify the potential for naturally occurring perchlorate.
- Senator Boxer, California, has submitted a bill to require the EPA to regulate perchlorate by late 2004. The projected level for regulation, should this bill go through, would be between 1 and 4 ppb. However, the US EPA and the Interstate Perchlorate Steering Committee has agreed to seek peer review of their data through the National Academy of Sciences. This peer review will likely delay this bill for several years, while the peer review is being performed.
- Steve Walden will be presenting on perchlorate in Texas at the Texas Water Conference 2003 in Corpus Christi, Texas during April.

LTI & FBRR Update - Jack Schulze

The LT1ESWTR and FBRR rule package we have been talking about for the last couple of meetings was scheduled to appear on the April 2 agenda. However, the package has been remanded to a later agenda to allow the Commissioners a little more time to review the proposals and for staff to brief the Commissioners. The next possible agenda date is April 16 but it's unlikely that it will be scheduled then. In general, the Commissioners want some clarification about why the current draft contains proposed regulations that differ from their federal counterparts and that appear more stringent in certain respects. We have a topic on the Commissioner's next Work Session to discuss this rule package as well as the other rules that will need to be adopted in 2004, e.g., the Arsenic Rule and the Radionuclide Rule.

Staff believes that the differences between federal LT1 and FBRR rules and the state proposal can be explained and that the version proposed for public comment will incorporate most, if not all, of the elements that were discussed with the DWAWG during the rule development process that began in November 2002. However, the rule package will probably not come before the Commission until one of the agendas in May 2003. Staff will be requesting permission to post the rule for a 60-day comment period so that we will have time to notify the DWAWG

members and the rest of the regulated community about the proposal's publication date, the date and location of the public hearing, and the date that the official comments are due.

Although staff do not know if the request will be approved, it is believed that there is a good chance of getting at least a 45-day comment period because an extension request is unavoidable at this point anyway. We have only until mid-June to get the FBRR adopted and, at this point, this is not an achievable deadline. Consequently, staff are beginning to prepare our extension request to EPA Region 6. Since the extension does not impact the effective date of the federal rule, staff will shortly also begin working with surface water treatment plants and our Region 6 colleagues to develop an acceptable FBRR reporting form for Texas. We expect the form to be available on the Web by the end of summer.

FOD Update - Elston Johnson

- The Field Operations Division is on target to complete its investigation FY 03 commitment for Public Water Systems in the State.
- A bill was proposed to move the investigation of public drinking water systems serving youth camps to the Texas Department of Health. The TCEQ would retain enforcement authority. FOD has been working with TDH on getting cost for equipping and training its staff.
- FOD has had to cut 1.4 million dollars from its FY 03 operating budget. One of the categories cut substantially is travel. FOD had to cancel its Annual Investigator Training as well as participation in the TWUA Short School. Participation in other regional schools will be very limited.
- Some of the other areas that were substantially cut were: Prof. Services. - Contracts, Temp. Services and Training.

Lab Training for Surface Water Operators - Robert Tinstman

A handout was provided on laboratory training for prospective Class C surface water treatment plant operators.

- The TCEQ now requires two new training courses for future Class C surface water treatment plant operators. TCEQ has worked with two organizations to develop the courses: The Texas Engineering Extension Service and the Texas Rural Water Association. The courses are titled Surface Water Production I and Surface Water Production II. The new courses contain all the elements of two other training courses, SW Production (Unit IV) and Water Laboratory, plus additional information on source water protection, treatment plant optimization, and a required hands-on component of laboratory training for the most commonly performed analyses (pH, temperature, turbidity, alkalinity, chlorine residual, ammonia, hardness, and jar testing).
- The training providers are experiencing logistical difficulties delivering the courses.
- The Texas Water Utilities Association has recommended a change in the courses that would mean a mandatory, third training course consisting of the laboratory activities now contained in the two existing courses.
- The TCEQ is specifically seeking recommendations from water systems and other interested organizations.

Utilities & Districts Program Update - Doug Holcomb

- The Utilities and Districts Section currently has no proposed rules pending.
- All of the TCEQ's permanent records, including the districts, utilities and public water system files, have been moved to Building E for future reference.
- Utilities and Districts Section has sent out annual report forms to all the investor owned operators due back to the TCEQ on April 1, 2003.
- Utilities and Districts Section has also sent out reminders to utilities that still owe regulatory assessment fees. About 500 reminder letters were sent out in mid March.

- Drinking Water State Revolving Fund (DWSRF) update, staff of the TCEQ and TWDB continue to coordinate on developing the priority list for the 2004 funding cycle. We have received 50 responses to the solociation letters sent out by the TWDB.
- The two agencies along with assistance from TRWA are also working on the Needs Survey for the EPA to identify the financial needs of the public drinking water system in the state. This survey is done every four years and it determines the state's allocation of DWSRF money.
- The IWUD Database available is accessible to the public. TCEQ is asking utilities to double check the information on the IWUD for corrections and completeness.

Stakeholder Updates & Legislative Issues

- **Charles Madox with the City of Austin:** Many of the DWAWG participants, including TAWWA, have been tracking bills that include:

  *HB 1302 for changes and revisions for open meeting and open records requirements regarding the safety, security or integrity of public water and sewer supplies and public water and sewer systems. A big concern of TAWWA are the Vulnerability Reports which are due March 31 and will be sent to EPA as a DRAFT.

  *There are a number of bills that cover water conservation measures that include low flow toilets, washing machines and increasing block water rates and water audits

  *SB 1040:relating to the repeal of the junior priority of a water right authorizing a transfer of water from one river basin in this state to another river basin in this state.

  *SB 1041:relating to the groundwater rights of private landowners and their lessees and assigns.

  *HB 3030:relating to public notice of groundwater contamination.

  *HB 1302 is still in committee hoping by May 31:relating to the application of the open meetings law and the public information law to deliberations and information regarding the safety, security or integrity of public water and sewer supplies and public water and sewer systems.

  *SB 1875:relating to the application of the open meetings law and the public information law to deliberations and information regarding the safety, security, or integrity of public wholesale water and sewerage supplies and public water and sewerage systems.

- **Robert Stewart with the Texas Rule Water Association:**

  TRWA is also tracking many bills during this legislative session, some are

  * HB 1152 which relates to the authority of certain nonprofit water supply corporations to establish and enforce customer water conservation measures.

  * a bill to revise the Rural Water Assistance Fund.

  * SB 279:relating to the continuation and functions of the Texas Department of Licensing and Regulation, including certain functions transferred to the department from the Texas Department of Insurance and the Texas Commission on Environmental Quality and including certain functions transferred from the department to the Department of Public Safety.

  * HB 589 relating to taxes and

  * HB 578:relating to the sales tax.

- **Mike Howe with the American Water Works Association:**

  2003 Texas Water 2003 Annual Conference: April 1 - April 4, 2003 to be held in Corpus Christi.

- **Byron Hardin with the City of Carrolton Public Works:**

  EPA recently conducted a “vulnerability” audit on the City of Carrollton.

  The city is concerned about the upcoming CCR requirements, the template will be out in early May, 2003. The city’s concerns center around some of the information contained in the report. A discussion ensued by the attendees about concerns that the CCR must contact information about the locations of water sources and how that may be used.

- **Debra Cerda with the TCEQ talked about the Effective August 21, 2002 §290.272. Subchapter H: Consumer Confidence Reports:**

(a) Information on the source of the water delivered must be included in the report.

(1) Each report must identify the source(s) of the water delivered by the community water system by providing information on the type of the water (such as surface water or groundwater) and any commonly used name and location of the body(ies) of water.

(2) If a source water assessment has been completed, the report must notify consumers of the availability of this information and the means to obtain it. In the reports, systems should highlight significant sources of contamination in the source water area if they have readily available information.

(3) If a system has received a source water assessment from the executive director, the report must include a brief summary of the system's susceptibility to potential sources of contamination using language provided by the executive director or written by a water system official.

(b) The following explanations must be included in the annual report.

(1) Each report shall contain definitions of:

(A) Maximum contaminant level goal (MCLG) - the level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety; and

(B) Maximum contaminant level (MCL) - the highest level of a contaminant that is allowed in drinking water. MCLs are set as close to MCLGs as feasible using the best available treatment technology.

Security Issues & Grant - Buck Henderson

- TCEQ's Homeland Security Coalition has been working closely with The Texas Department of Emergency Management (DEM) in developing a "positive contact" alert notification process by email for all the Agency's regulated critical infrastructures (including all Public Drinking Water Systems that serve over 50,000 population). It is anticipated this notification will be expanded in the future to include those water systems serving over 10,000 population.
- No additional funding has been provided by EPA for those water systems serving less than 100,000 population to conduct their Vulnerability Assessments (VA) and Emergency Response Plans (EP). TCEQ did receive grant funding to provide training, templates and assistance for water systems in developing their VA's and EP's.

Other Issues of Immediate Concern - Buck Henderson

- Upcoming training, conferences, meetings & public forums:

  The TCEQ is trying to purchase web-casting capabilities to facilitate the DWAWG meetings for those staff that are in the FOD region offices and for those stakeholders that travel far distances and also for other events and training.
- 2003 Tyler EXPO, May 14, 2003, Tyler, TX
- Next Meeting:

  June 10, 2003, TCEQ Complex, Building F, Room 2210

  12015 Park 35 Circle (I-35 North between Braker and Yager)

  9:00 am - 12:00 noon