

# Texas Commission on Environmental Quality

## Drinking Water Advisory Work Group

April 22, 2008, Building E201S, 9:00 am - 12:00 noon

### SUMMARY

#### **Welcome/Introductions: Elston Johnson**

TCEQ Staff Updates:

#### **Licensing Rule Updates: Terry Thompson**

- Wrapping up landscape irrigator rules
- Working with operator training schools
- Working with small license programs first (Water/Wastewater exams will not be available until sometime in 2009) for computer based testing
- Paper test is not going away
- Juanita Lopez will retire June 30, 2008

#### **Texas Small Public Water System Training Program: Mark Fuentes**

- Expense Reimbursement Grant (ERG)
- Provides assistance to small water systems serving < 3,300 persons or fewer. They must be of the status: community water system or non-transient/non-community water system. Operator certification classes are paid for by The Texas Small Public Water System Training Program (TSPWSTP)
- TCEQ has contracted 7 training providers to give classroom training
- TCEQ has also contracted 4 training providers to give cluster course I /hands-on training

The following metrics reflect the time period of June 2004 - March 2008:

- There are a total of 2,949 water systems enrolled in the program
- 5,617 operators are enrolled in the program
- To date 7,013 program ID cards have been issued
- 20,733 vouchers issued, of those 3,044 have been reimbursed which equals \$144,008 reimbursed
- 173 classroom events have been held
- 387 total cluster course I (hand-On) training events have been held

We are continuing to promote and provide outreach by visiting qualifying water systems that aren't currently enrolled in the program.

#### **Technical Review & Oversight**

#### **Cross Connection Control Subcommittee: Joel Klumpp**

- The TCEQ Cross-Connection Control Subcommittee functions as a subcommittee of the DWAAG. Information about the subcommittee is available online at TCEQ's website.
- The subcommittee met last on March 5, 2008. Topics of discussion included:
  - Revision of the existing Regulatory Guidance document: RG-206, A Public Water System Guide to Customer Service Inspections;
  - Revision of the existing Regulatory Guidance document: RG-345, Backflow Protection of Water-Based Fire Protection Systems;
  - Biochemical Treatment of fire lines to prevent microbiological contamination;
  - Color-coding of water lines; and
  - EPA presented information on revisions to the Total Coliform Rule.
- The next meeting of the subcommittee will be on June 4, 2008.

- Subcommittee on March 5, 2008
- Award to outstanding programs
- Revisions were done to regulatory guidance
- Discussed microbial growth in fire prevention water lines minutes of meeting.

## **LT2: Reyna Miner-Holmes**

- Long Term 2 Enhanced Surface Water Treatment (LT2ESWT) Rule
- Doing schedule 4 systems
- Letter is going to be sent from TCEQ in May to assist systems in the development of their monitoring plans.
- Schedule 4 monitoring plans must be submitted to TCEQ on or before July 1, 2008.
- Scheduled 4 systems must begin E-coli sampling by October 2008.
- E-Coli samples must be analyzed using an enumeration (counted) method rather than a present-absent method
- Systems may include E-Coli sampling that has already been conducted in their monitoring plan and request credit for this data.
- Systems may install full (5.5 log Crypto) inactivation or removal treatment in lieu of monitoring. Please contact TCEQ if you decide to go that route.
- Fire Flow to Fire hydrants
- TCEQ is required to develop standards
- Standards include a minimum flow of 250 gpm at a minimum pressure of 20 psi for a minimum period of two hours.
- Affects investor owned utilities located within municipalities with populations of 1,000,000 or larger. The Houston area is the only one being affected by this rule.

## **Drinking Water Quality: Alicia Diehl**

### **Disinfection Byproducts**

- Stage 2 Disinfectant Byproducts Rule (DBP2) Initial Distribution System Evaluation (IDSE) monitoring is in progress.
- IDSE Sample Plans for schedule Group 4 (less than 10,000 people) systems were due 4/1/08. IDSE sampling will start in calendar year 2009 for these systems. Some of these may be delayed till 2010.
- Schedule Groups 2 and Group 3 systems are currently performing IDSE sampling.
- IDSE sampling for Group 1 is complete. Draft IDSE Reports will be sent to systems this summer. Systems that get a Draft IDSE Report must review those, make any needed changes, and send them back to TCEQ with a distribution map.
- Systems with less than 500 connections should call to request a waiver - assuming they have completed DBP1 sampling and do not have a delinquent account with the lab.

### **Lead/Copper**

- In the process of getting ready for summer sampling.
- Your Sample Cost Estimate letter ("This Is Not a Bill" letter) that was sent in January 2008 notified you of when your next Lead/Copper Rule sampling would occur.
- LCRA will be new contractor starting 9/1/08, replacing TEEX. PWS with lead/copper sampling in late 08, 09 need to establish account with LCRA. There will be a new improved web presence for tracking lead/copper.

### **Unregulated Contaminant Monitoring Regulation (UCMR)**

- 359 systems in Texas will be required to complete one year of sampling in either 2008, 2009, or 2010
- Samples will be collected by TCEQ's contractor (currently Delta Environmental and their subcontractors.)
- Sampling of constituents on Contaminant Candidate List (CCL2)
  - Nitrosamines
  - Pesticides/degradates
  - Herbicides/degradates

- Explosives
- Flame retardants

### **Consumer Confidence Report (CCR)**

- If you had Cryptosporidium monitoring in 2007, that must be reported on CCR
- If you had IDSE sampling, you must report min, max, and average of those samples.
- Next year, new Lead Copper paragraph will be on CCR
- Templates should be ready in early May 2008
- CCR violations will be issued to PWS if they do not deliver the CCR to customers by August 2008
- UT Arlington will be the new contractor, replacing TEEEX starting 9/1/08.

### **Contract update**

- Request for bid for Chemical Sample Collection Contract will be posted in early May
- Current TEEEX contract for CCR will be replaced with UTA starting 9/1/08
- Current TEEEX contract for LCR will be replaced with LCRA starting 9/1/08

### **Utilities & Districts Update: Doug Holcomb**

- Rate Case updates- Aqua Texas, the largest investor owned utility (IOU) in Texas, their rate case went before the Commission on March 19 and the case was continued to May 21. Monarch, the second largest IOU in Texas, had a preliminary hearing on April 8 for their rate change application.
- Number of rate cases is up 10 to 20 percent.
- CCN receiverships has a new coordinator, Terry Webb
- Diego Abreigo is retiring at the end of May 2008.
- David Laughlin came out of retirement and is working part time reviewing plans
- Drinking Water State Revolving Fund solicitation responses are being reviewed by TCEQ staff and will be ranked for the TWDB's Intended Use Plan.
- Stakeholders were asked for input on rules for HB 149 concerning non-functioning utilities. One comment was taken and that was that the bill covered not just public utilities but all retail public utilities.

### **Rules update: Tammy Benter**

- Proposed rules went before the Commissioners and made one comment.
- Mid Chapter 291 rule package will be available for review mid June
- 291 Rules: see copy of Legislation for HB 149 received three comments on rule.
- Definition of non-functioning utility is up for discussion
- Should definition be updated to include other system types?
- HB 149: Should definition include retail public utilities or just public utilities?

### **Comments from Ken Petersen: TRWA**

- HB 149 should be expanded as it should not be limited to systems in receivership or temporary management only.
- Language is clear in HB 149; the bill should include retail public utilities and not just public utilities.
- The legislation's intent was to give TCEQ the authority to review rates of nonfunctioning systems through either appellate or original jurisdiction.
- Mr. Peterson does not believe there are underlying notice issues that preclude us from being able to incorporate his comments into this rulemaking; he commented that he is a stickler for notice provisions, and he does not feel as though we have a problem with this rule package.

### **Drinking Water Protection Update: Sean Ables**

- Working on getting all labs to submit bacteriological sampling electronically

- Source Water Protection project initiated for water systems with shallow wells along the San Marcos River on April 22

### **Field Operations Division: for Monica Harris**

- Field OPS (F.O.)
- Follow-up from last meeting regarding inconsistencies among investigators.
- FO has met with both Aqua Texas and the regional investigators to ensure consistency among regions when citing violations
- Annual PWS investigator conference was in Houston in April
- Inspections by contractor are occurring in Houston at 130 small non-community water systems

Byron Hardin asked who regional enforcement coordinators report to.

Monica Harris answered the following:

- Regional Water Section manager and Regional Enforcement Team Leaders (if applicable) are involved in these issues
- Enforcement coordinator in each region confers with the central office enforcement. There are regions reps, in contact with the central office enforcement.

### **Legislative Update**

Rainwater Harvesting Rule: Cindy Haynie

- Rule will be open for public comment

Tony Bennett commented the Original proposal did not include standards for the language for indoor, non-potable usage.

Response on comment: The legislation in HB 4 and SB 3 regarding rainwater was written in response to the Rainwater Harvesting Advisory Committee's recommendation to the Legislature and the language in our rules is taken directly from that legislation.

### **Fire Flow: Mike Lannen**

- Proposed rule applies only to PWS serving >1,000,000 persons
- Dallas doesn't allow IOU's in their corporate limits
- San Antonio does not have any IOU's in their corporate limits

### **Ken Petersen from TRWA said the following:**

- HB 1717 is self implementing according to Elston Johnson.
- Black fire hydrant upsets local volunteer fire department
- Propose to paint cap white if hydrant can be used for pump & fill
- Propose guidance by TCEQ to the legislators writing the bill

### **Drought: Mike Lannen**

- Starting to not look good in lake and rivers
- Wildfires have impacted water supplies
- 23 PWS in APR producing drought restrictions and 10 have mandatory. Five systems have relaxed all restrictions.
- 8 have voluntary restrictions
- TCEQ have not sent tools to regions yet for response and drought update, but will in the near future.
- We need rain, but future forecasts do not show much.
- Governors Drought Council (CDC) meets monthly
- Mike Lannen will continue meeting at the GDC each month.

### **Total Coliform Rule (TCR): Joaquin Montes**

- TCR Coordinator

- Joaquin joined the team seven years ago-this has always been the rule and our guidance has always stated these repeat sample collection procedures
- SDWIS database compliance is based solely on our rules-more accurately assigns and tracks violations
- A/B Letter- Letter informing PWSs about positives and how to collect repeats (it also tells them how many to collect)
- Confusion began when large PWSs decided they did not want a letter that was not mandatory. They informed us, that they knew what to do and did not need the Mayor of the Cities freaking out over a letter informing them of a positive sample.
- Letter will now be sent to all PWSs, and none will be excluded
- The letter's intent is to inform PWSs how to comply with the repeat sampling requirements.
- In the case of having collected multiple positives in a repeat sample set; the system is required to collect 3 repeats per positive sample
- Repeats are an important tool that can be used to narrow down your search for problems within the distribution system
- Contact any member of the TCR program if you need additional information or an explanation of any of the TCR rule
- A/B letter is not an NOV
- PWSs should periodically review our guidance documents and the rules
- Make sure your PWS contact information is up to date in our databases

Comment from Mark Zeppa concerning the Boil water notice is not clear. Some items should be in bold print. Utility customers are getting confused when they get the boil water notice. Flow chart would be helpful to the customers.

Elston Johnson said there is a 1PM meeting today in Bldg F Room 31034 PWSs are welcome to make comments

Byron Hardin asked concerning the flow chart for boil water notice, when can that section of distribution system be put into service?

Joaquin Montes answered saying bacteriological sample cannot be collected until at least two hours after repair.

Byron Hardin asked, can that section be returned to service immediately or do they have to wait until the results of bacteriological sample are known?

Joaquin Montes answered saying the TCR program only handles TCR Acute MCLs, and other program areas handle their BWNs.

### **DWA WG Stakeholder Updates, Issues and Upcoming Training Events: Elston Johnson**

- Legislation may have missed the original intent of the original rule.
- PDW Conference: Aug 19-20, Double Tree, Austin
- Instructors School: July 8, 9, &10
- Trade Fair: April 29- May 3<sup>rd</sup>, Austin
- La Front era- Round Rock
- Rate Workshop: TRWA & TCEQ
- Workshop in Tyler is free: limited to 150 participants
- IWSCOT-Mark Zeppa

Elston Johnson said TCEQ know if you would like to participate in the rule meeting

- Rule making package will address "Direct supervision"
- TCEQ is reviewing different duties performed by PWS staff such as process control general duties.

### **Next DWA WG Meeting: July 22, 2008, Building E201S**

[Available by Web Cast: \[texasadmin\]](#)