

**Summary**  
**Texas Commission on Environmental Quality**  
**Drinking Water Advisory Work Group**  
**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**

**Welcome/Introduction - Buck Henderson**

**PDW Program Update - Tony Bennett**

- S EPA has granted an extension to the Rad-Chem rule.
- S EPA has granted an extension to the Arsenic rule.
- S An extension has been filed for Backwash rule.
- S LT1- Adoption due 1/04
- S EPA is projected GWR by Fall 03
- S Radon may be finalized by EPA Dec by 04
- S DBP2 and LT2 should be proposed June or July 03
- S New/Revised MCLs:
  - Coliform Rule proposal maybe 2004
  - Perchlorate and MTBE are possible new contaminants to be regulated

**Perchlorate Update - Steve Walden**

- S The DWAAG was formed 11 years ago by Steve Walden and PDW Stakeholders. Happy Birthday DWAAG!
- S Steve Walden is a Special Assistant for the OPRR. Steve works on special projects for the Office of Permitting and also teaches at the Governor Center for Management Development.
- S Perchlorate:
  - National Issue: more identification due to the Unregulated Contaminant Monitoring Rule.
- S Initial positive samples taken in West Texas. Investigation began with TCEQ staff and evolved into a joint venture with Texas Tech University.
- S Questions being addressed in 43 Panhandle Counties:
  - 1) Where is it? 2) Where is it coming from? 3) How is it migrating in the soils? 4) What are some control strategies?
- S There are health concerns with perchlorate: with the most critical being the reduction of thyroid hormones in developing fetuses. Development stages potentially affected at low exposure levels.
- S Phase II: Texas Tech is sampling in coordination with several ground water districts and USGS. perchlorate the core -drill 4 monitoring wells.
- S USGS is to publish a report soon documenting low levels of naturally occurring perchlorate in conjunction with certain earth minerals.
- S A National Academy of Science group is currently reviewing the health effects data (expected 18 months before a report is out).
- S At stake is billions of dollars in cleanup effort.
- S Where is the perchlorate from? : The military? Cathodic Protection currents?, Agriculture?, Oil and gas?, Naturally occurring?
- S National Debate: Health Effects:
  - DoD perspective: Pechlorate OK below 200 ppb
  - EPA perspective: Perchlorate harmful at 1 ppb

**Source Water Assessment & Protection Update - Greg Rogers**

- 1998 SWAP project proposal sent to EPA
- 1999 EPA approved the Texas plan
- May 2003 Deadline reported 90%
- As of today (June 10, 2003) Texas is 92% complete on SWA's
- Mail out of assessments started June 3, 2003.
- So far 10 phone calls have been received, many of which are related to the CCR impacts
- New information and updates can be found on agency website
- Highlights of the Texas SWAP Program
  - Very detailed Aquifer Atlas created in order to establish time of travel capture zones for water wells.
  - Established NPS statistical relationships between landuse and water quality.
  - Utilized 4 million record water quality dataset for both NPS susceptibility and contaminant occurrence which can account for naturally occurring chemicals.
  - Provides susceptibility report for 227 specific chemicals at the system and the source level
  - The SWAP software also allows new assessments to be generated quickly and new information and new water systems are added.
  
- Where do we go from here?
  - Use the assessments for new Source Water Protection initiatives
  - Continue to develop new guidance and build on TRWA and other partnerships
  - Conduct SWAP Conference this August 19-20
  - The TCEQ/SWAP team wants to hear from public water systems to find out what will be useful and assist in implementing source water protection

Q. Where did data sets for Aquifer map come from?

The USGS generated the atlas from multiple sources and created it as

Q. Are you coordinating w/GAM modeling?

We will be making the Aquifer Atlas dataset available and will work with the TWDB to exchange data based on programmatic needs.

Q. Can we come see your database and the software? Yes.

**LTI & FBRR Update - Jack Schulze**

- S The Chapter 290 rules have been delayed. Senior management is taking a close look at this package and is trying to distinguish between provisions which are essential for public health protection and those that simply make the water system's life easier.
- S It is likely that the "make your life easier" provisions will not be proposed. For example, while the ability to distinguish between data collected when a filter is not in service and that collected when the filter is producing treated water is useful, it is not essential to public health protection because they only drink water produced when the filter is in service even if the water system has to do follow-up studies based on elevated readings collected when the filter is actually out of service.
- S Money saving provisions that have been explicitly requested by the regulated community will likely be left in the rule unless they compromise public health.
- S Staff is still trying to obtain 60-day public comment period instead of the minimum 30-day period required by law.
- S As soon as we get permission to take this proposal to the Commissioner's Agenda, we will get the draft language out on the Web.

**Legislative Update - James Pope**

Public Drinking Water Staff reviewed and tracked six senate bills, ten house bills and two house committee resolutions during the 78<sup>th</sup> legislative session. Only two house bills (HB 2075 and HB 3030) made it through the legislative process for signature by the governor.

**Enrolled Bills**

HB 2075 - Enrolled - Relating to regulating health and safety conditions at youth camps.

HB 3030 - Enrolled - Relating to notice of groundwater contamination that may affect a drinking water well.

**House Committee Resolutions - did not make it through the process**

HCR 245 - Addressing issues relative to small community water systems that face exceptional physical or financial circumstances in attempting to comply with federal Safe Drinking Water Act requirements relating to naturally occurring materials.

HCR 246 - Memorializing the U.S. congress to provide funding or statutory relief relating to naturally occurring materials and associated regulatory effects on small community water systems.

**House Bills - did not make it through the process**

HB 426 - Engrossed - Relating to the adoption of state agency rules that impose certain costs on local governments or persons.

HB 975 - Engrossed - Relating to the plugging of abandoned or deteriorated water wells.

HB 1302 - Introduced - 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.

HB 1417- Introduced - Relating to requiring a state agency to notify a member of the legislature about certain expenditures that will affect the member's district.

HB 1586 - Introduced - Relating to excepting from required public disclosure under the public information law the assessments of a utility's vulnerability to intentional acts of harm.

HB 1630 - House Committee Report - Relating to compliance schedules for small community water systems in accordance with public drinking water standards for certain naturally occurring materials.

HB 2041 - House Committee Report - Relating to legislative review and gubernatorial suspension of certain rules of state agencies.

HB 2754 - Introduced - Relating to legislative review and gubernatorial suspension of certain rules of state agencies.

**Senate Bills - did not make it through the process**

SB 237 - Introduced - Relating to the regulation of drinking water at certain youth camps.

SB 696 - Introduced - Relating to franchise tax deductions and exemptions for certain business activities involving desalination devices.

SB 856 - Senate Committee Report - Relating to compliance schedules for small community water systems in accordance with public drinking water standards for certain naturally occurring materials.

SB 1048 - Introduced - Relating to the abolition of the Public Utility Commission of Texas and the Railroad Commission of Texas, the creation of the Texas Energy and Communications Commission, and the transfer of the powers and duties of the public utility commission and the railroad commission to the energy and communications commission and other state agencies.

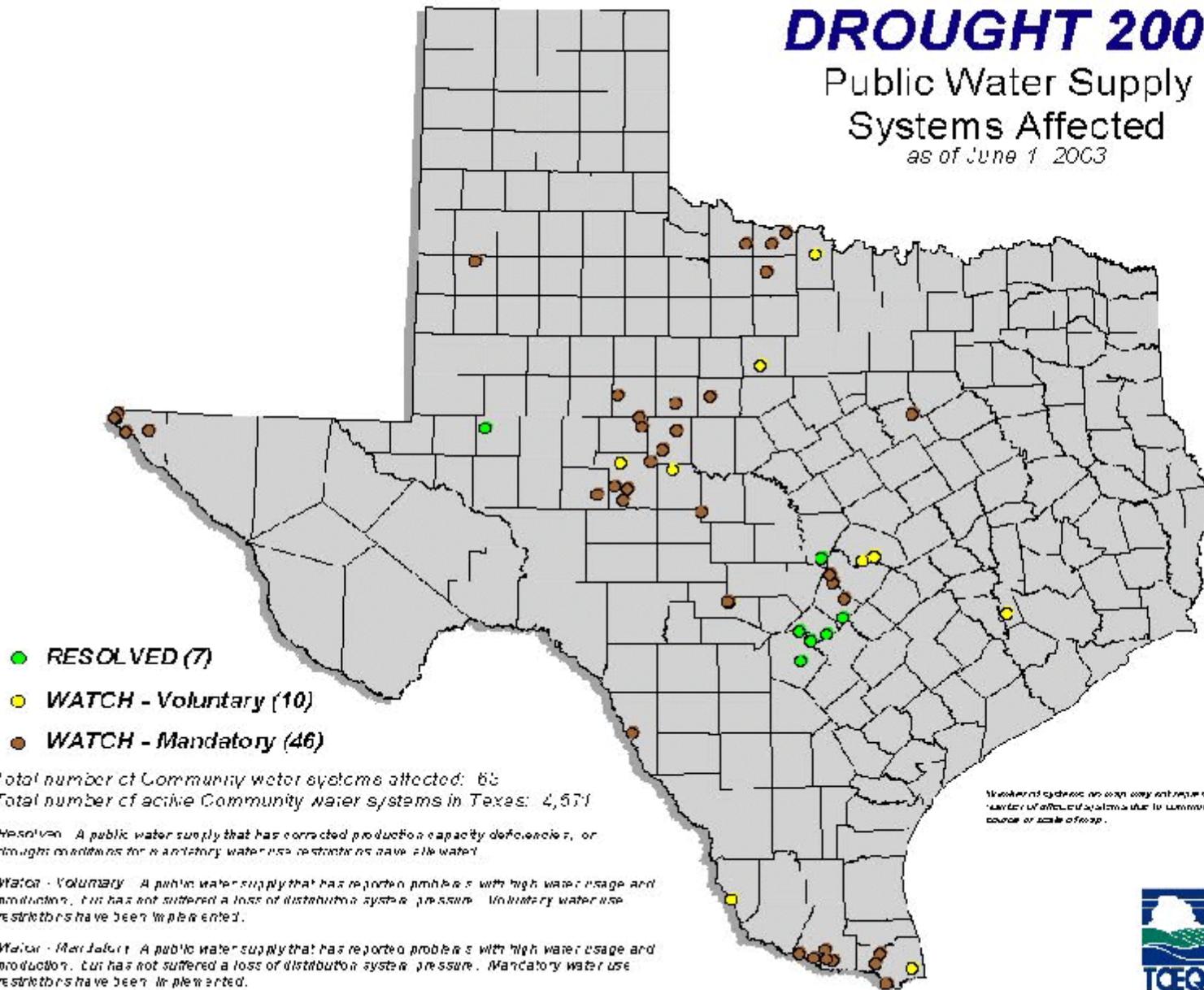
SB1766 - Introduced - Relating to the adoption of state agency rules that impose certain costs on local governments or persons.

SB 1875 - Engrossed - 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.

# DROUGHT 2003

## Public Water Supply Systems Affected

as of June 1, 2003



- **RESOLVED (7)**
- **WATCH - Voluntary (10)**
- **WATCH - Mandatory (46)**

Total number of Community water systems affected: 63  
Total number of active Community water systems in Texas: 4,571

**Resolved** - A public water supply that has corrected production capacity deficiencies, or drought conditions for mandatory water use restrictions have still water.

**Watch - Voluntary** - A public water supply that has reported problems with high water usage and production, but has not suffered a loss of distribution system pressure. Voluntary water use restrictions have been implemented.

**Watch - Mandatory** - A public water supply that has reported problems with high water usage and production, but has not suffered a loss of distribution system pressure. Mandatory water use restrictions have been implemented.

*Water not shown on map may not have been affected by drought conditions due to unknown source or scale of crop.*



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### **Distribution System Disinfection - Larry Mitchell (hand out)**

A **DRAFT** hand out was provided on Public Water System Distribution System Disinfection Guidance Manual. If you have any questions or concerns please contact Alicia Diehl at 512/239-1626.

### **TWDB/DWSRF Update - Bruce Crawford (hand out)**

A hand out was provided on the updates on Drinking Water SRF Fund Status. If you have any questions or concerns please contact Bruce Crawford at (512) 463-8033.

### **FOD Update- Bob Burrell**

No Updates

### **Utilities & Districts Program Update - Rob Cummins**

- S The Utilities and Districts program reviewed and tracked over 300 bills, with about 80 being district creations of which 10 were groundwater district creations.
- S Deadline for Governor to sign bills or veto is June 22 at midnight.
- S Some of the bills of interest in the Utilities and Districts program are:
- S HB 3214:Relating to the fees of office for board members of municipal utility districts.
- S HB 1541 Companion to SB 623:relating to the general powers and authority of water districts concerning refunding bonds approval, restriction of surplus land sold by the district, incentives allowed in contracts for early completion.
- S HB 2477 Companion to SB 624:relating to the funding of parks and recreational facilities by certain conservation and reclamation districts using tax bond proceeds.
- S Angela Stepherson in the ELD has resigned. The new contact is Robert Martinez.

### **Stakeholder Updates & Legislative Issues**

S Mike Howe with the American Water Works Association:  
June 15-19 2003 AWWA Annual Conference and Exposition in Anaheim, California  
September 19, 2003 AWWA will have a new rule Teleconference

S Charles Madox with the City of Austin:  
Spoke on status of recent Legislation activities-  
HB 47:relating to the office of advocate for children in the custody of a governmental entity  
HB 48:relating to the survival of a wrongful death suit on the death of the plaintiff  
HB 49:relating to the authority of the Texas Department of Health regarding sanitation and privacy in public school restrooms.

The following bills did not make it through the legislative process:

HB 3338:relating to requiring water rights applicants and holders, water utilities, and conservation and reclamation districts to adopt and implement certain water conservation measures.  
HB 3367:relating to requiring water utilities to adopt water rates that encourage conservation and dedicating revenue for conservation programs.  
HB 1041:relating to a peace officer employed in the field of private security.  
SB 1094:relating to the creation of a task force to evaluate matters regarding water conservation

S Association Water Board Directors  
AWBD 2003 Annual Conference will be Thursday, June 26 - Saturday, June 28 at Corpus Christi Bayfront Convention Center.

S Roger W Hulbert with the City of Houston  
Concerned bill that passed:  
HB 45:relating to the selection and purchase of certain textbooks by a school district or open-enrollment charter school.

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S Mark Zeppa-IW&SCOT

Two big issues that did not pass:

HB 3367:relating to requiring water utilities to adopt water rates that encourage conservation and dedicating revenue for conservation programs.

HB 3034:relating to the rates of certain retail public utilities.

### Point's of Contact for PWS's - Tony Bennett

S A survey has been sent out to all water systems serving at least 10, 000 population to find out who the emergency contact person is and their contact data.

S long term plan is going to be collected emergency contact data for all water systems serving at least 3,300 persons

S billing contact information surveys will be sent to all water systems prior to the next PWS fee billing

S Need to put together an ad hoc group to look at multiple contact for large entities where many copies of correspondence may need to be sent.

### Security Issues & Grant -Buck Henderson and Tony Bennett

#### Buck Henderson:

Vulnerability Assessments are due 12/31/03 for PWS's serving populations from 50,000 to 99,999 and 06/30/04 for PWS's serving populations from 3,300 to 49,999.

-EPA recently awarded grants to five technical assistance providers

- Water Environment Federation
- National Rural Water Association
- Maryland Center for Environmental Training
- Rural Community Assistance Program
- National Environmental Training Services Center at West Virginia

#### Tony Bennett:

S South West Texas State University Contract  
Develop one hour module for education on security issues  
8 hour security course for managers/board members  
Neighborhood watch for water systems course  
Collect contact information

S Other Tasks  
Work with other providers to deploy Vulnerability assessment training an Emergency response plan training.

S Water Watch Program: a neighborhood watch idea. This program is to keep people award of what should be going on or what to watch for.

### Other Issues of Immediate Concern - Buck Henderson

S **Ken May:** The PDW Section will be collecting approximately 6600 Arsenic and or Disinfection By-Product (DBPs = trihalomethanes and haloacidic acids) samples not included in the 2003 Annual Notification of Sampling Schedules for Public Water Systems mailed in December 2002. This plan will consist of: sampling for arsenic at decomposited entry point sites in preparation for the Arsenic Rule; and, DBPs in preparation for full implementation of the Disinfection By-Product Rule.

S **Jack Schulze:** The Surface Plant Evaluation and Optimization eam (SPEO) is looking for 10 surface water plants to pilot test our new CT Study Spreadsheet template and instruction guide. The materials are designed to allow treatment plants operators to prepare their own CT studies and to standardize the materials that are submitted for TCEQ review. This innovative approach will save the systems money and will reduce the turnaround time for TCEQ review from several weeks to a few days. Testing will occur in early fall (September or early October). The revised materials will be put on the Web by January 2004.

**S**     **Jack Schulze:** The SPEO is also looking for about 10 plants to help develop and pilot test the new Recycling Practices Report form and instruction guide. The SPEO is looking for plants that can review the draft form in July or early August and then can pilot test the (second) draft form and its instruction guide in mid to late September. This project must be completed by mid-November so that the materials can be distributed to all surface water treatment plants by the end of November (since systems must complete and submit the report by January 2004.)

**S**     **Upcoming training, conferences, meetings & public forums**

American Water Works Association:

June 15-19 2003 Annual Conference and Exposition in Anaheim, CA

September 19 a new rule teleconference

Association Water Board Directors

2003 Annual Conference Thursday, June 26 - Saturday, June 28

Corpus Christi Bayfront Convention Center.

**S**     **Next Meeting:**

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