

## **SUMMARY**

**Texas Natural Resource Conservation Commission  
Drinking Water Advisory Work Group  
June 11, 2002  
9:00 am - 12:00 noon**

**! Welcome / Introduction - Buck Henderson**

**! Drinking Water State Revolving Fund Update - Bruce Crawford - (handout)**

-The handout was an overview of information from the Texas Water Development Board on the status of the Drinking Water State Revolving Fund (DWSRF) including commitments broken down by quarters, disadvantaged status and size.

-The Intended Use Plan (IUP) for FY2003 will be published by the end of the month; all applicants will receive a copy and there will be a comment period. The IUP public hearing is scheduled for August 1, 2002 at the Stephen F. Austin building.

**! PDW Rules Update - Tony Bennett- (hand out)**

The TNRCC will be binding together the Arsenic rule with other rules for adoption by TNRCC by June 2003.

- The TNRCC is wanting to adopt final rules by EPA for Radionuclides by December 2003.
- The EPA has completed a six year review process and is taking comments due by June 28, 2003.
- CCL determinations proposal was published by June 3<sup>rd</sup>.
- LT2 and DBP2 are expected out late fall 2002 or early spring 2003

**! LT1 & FBR Stakeholders - Tony Bennett for Jack Schulze**

-In order to meet our time line for proposal of Jan 2002, we will be asking for representation on a stakeholders workgroup. There may be a second stakeholders group for arsenic if it can not be combined easily with LT1 and FBR.

**! Drought- Mike Lannen (hand out)**

-Drought 2002:

(1) For the Public Water Supply Systems Affected as of June 1, 2002 in Texas:

-The total number of Community water systems affected: 61 Of these 58 are restricting outside water usage. 44 systems are under mandatory restrictions and 14 are asking customers to voluntarily reduce water usage.

-The total number of active Community water systems in Texas: 4,574

(1) Resolved- A public water supply has completed necessary production capacity deficiencies, or drought conditions for mandatory water use restrictions have alleviated.

(2) Watch-Voluntary

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

(3) Watch-Mandatory

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

**! Capacity Rule Update - Tom Napier (hand out)**

-§290.45. Minimum Water System Capacity Requirements

(1) Heads Up:

-Any system which experiences maximum daily demands in excess of the minimum capacity requirements, documented low pressures, or repeated customer complaints regarding inadequate pressure will be evaluated and may have additional capacity requirements established for them by the executive director using the method of calculation described in section(g)(2).

-For wholesale water suppliers, minimum water system capacity requirements shall be determined by calculating the requirements based upon the number of retail customer service connections of that wholesale water supplier, if any, and adding that amount to the maximum amount of water obligated or pledged under all wholesale contracts.

(2) Worth Noting:

-Alternative capacity requirements for groundwater systems serving fewer than 50 connections without total storage (see §290.45(v) and §290.45(d)) will not be considered. *(This process is not available for either ground water systems that only have pressure tanks or for noncommunity systems).*

(3) We want the actual number of active connections for each month during the three years of production data.

(4) The equivalency ratio is to be rounded to the hundredth place: The equivalency ratio shall be used to calculate alternative capacity requirements by multiplying it by the appropriate minimum capacity requirements found in §290.45(b). As an example, a groundwater system with 200 connections and an actual maximum daily demand (expressed as gpm per connection) of 0.36 gpm per connection would have

a calculated equivalency ratio of 0.69 which would produce the following alternative capacity requirements: well capacity-0.41 gpm per connection; total storage capacity-138 gallons per connection; total service pumping capacity-138 gpm per connection; and pressure tank capacity-13.8 gallons per connections. Standard rounding methods are used to round calculated alternative capacity requirement values to the nearest one hundredth.

(5) Concerned and Interested in Comments:

-The executive director shall for those Applications submitted under the seal of a licensed professional engineer have 90 days from the date of submission to provide the public water system with written acceptance or denial of the proposed alternative capacity requirements. If the executive director fails to provide written notification within 90 days, the engineer's determination shall automatically become the alternative capacity requirements for the public water system.

(6) Sets Up Process and Establish Tracking Period for Alternative capacity requirement applications:

-All requests for alternative capacity requirements not submitted by licensed professional engineers shall be subject to all requirements of this rule, except the 90 day default period in section 290.45(4)(A).

(7) The denial of a proposal will require several steps by staff :

-Any alternative capacity requirement granted pursuant to provisions in this sub section shall be subject to review and revision or revocation by the executive director.

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

(1) As of May 31, 2002 the Source Water Assessment & Protection program has one year to complete the Source Water Assessments for all public water.

(2) SWAP Public Forum was held on May 15, 2002, Next meeting will be October 2002

(3) Last major work being done on nonpoint source component. Working through data issues and statistical relationships of the 227 contaminants that will be assessed.

(4) Ground water attenuation component for each 227 contaminants is almost completed.

(5) Aside from the assessment results, independent datasets such as the aquifer atlas, 30 meter land use grid and others, will be valuable tools for other programs and initiatives.

(6) This June a first draft ground water assessment will be run to test system functionality.

(7) PWS will be sent the assessments prior to their release to the public so the systems (and regions) will be able to familiarize themselves with the results before any customer questions.

(8) GPS coordination and training with the region including regular electronic reports and an internet map viewer for regions to see their submitted PWS data.

(9) TRWA finishing up Source Water Protection projects in the Ft. Worth area and plan to move into the San Angelo area during FY 03.

- **Electronic Data Submission - Alicia Diehl (hand out)**

(1) Timeline for applying new THM MCL

DV-Started sampling for large surface water systems in 2002. The MCL is in the rule as starting January 1, 2002. EPA produced guidance saying states may delay applying the MCL until January 1, 2003. TNRCC is waiting for a legal opinion to determine how to go forward, and whether to use EPA's guidance.

(2) Lead Copper Monitoring Waivers

-LCR Minor Revisions Monitoring Waivers applies to systems serving less than 3,301 people, reduces tap monitoring to re-certification every 9 years-with monitoring results, and is renewable as long as the listed criteria is still met.

-Systems must meet specific materials and monitoring criteria

-Monitoring Waivers, Materials Criteria:

The water system must demonstrate on the lead/copper sampling site selection form that its distribution system and the service lines and all drinking water supply plumbing, including plumbing conveying drinking water within all residences and buildings connected to the system, are free of lead-containing materials and/or copper-containing materials to demonstrate the risk from lead and/or copper exposure is negligible throughout the water system.

The water system must have completed at least one six-month series of initial tap water monitoring for lead and copper and have demonstrated that its 90th percentile lead level does not exceed 0.005 mg/L and the 90th percentile copper level does not exceed 0.65 mg/L.

-Lead criteria minor revisions:

No plastic pipes w/lead plasticizers or plastic service lines w/lead plasticizers,

No LSLs, lead pipes, lead soldered pipe joints, leaded brass or bronze fittings and fixtures (unless meet fittings and fixtures meet the specifications of any standard established by the SDWA section 1417(e))

-Copper criteria:

no copper pipes or service lines

-Monitoring Waivers Other:

Notification within 60 days by system:

if change in treatment or adds source

if no longer meets materials criteria

waiver changes-revocation must be in writing

system may re-apply for waiver after being revoked once it meets the waiver criteria

if due to action level exceedance, must begin corrosion control treatment steps

if other than action level exceedance, then triennial monitoring

-Triennial Monitoring Revision:

Any size system can reduce the frequency of sampling to once every 3 years and collect at the reduce number of samples if you are with a 90<sup>th</sup> percentile lead level is  $\leq 0.005$  mg/L and the 90<sup>th</sup> percentile of copper is  $\leq 0.65$  mg/L for 2 consecutive 6-month monitoring periods

(3) Perchlorate:

is a chemical to watch for in the future,  
it is a contaminant that is on the Unregulated Contaminant Monitoring Rule list that is an explosive used in fireworks,  
it causes mental retardation, staggered gait, thyroid problems found in West Texas-Midland.

(4) -Bacteria Electronic Data Acceptance-still working with the Submittal of electronic data

• **Utilities- Wayne Wiley**

- (1) Proposed 291 rules have been published.
- (2) Comment period is over,
- (3) Had a public hearing,
- (4) Responses to comments have been completed.
- (5) Will be going to agenda on July 24, 2002 for adoption

• **Districts Rules Update - Robert Cummins for Randy Nelson**

-Discussed the proposal water district rule changes which primarily affect TAC 30 Chapter 293.

-What the Adopted Rule Would Do:

The proposed rules would establish new or revised requirements on the administration of water districts and the commission's supervision of water districts under Texas Water Code (TWC), Chapters 36, 49, 51, 54, 58, 59, and 65, as amended by Senate Bill (SB) 1444; House Bill (HB) HB 2994; HB 2912 (§20.02); and a portion of SB2, 77<sup>th</sup> Legislature, 2001. Specifically, the rules would

- allow a fire plan to be approved at the time of district creation;
- require certificates of land ownership and value to be provided by a central appraisal district in lieu of the county tax assessor;
- add provisions to allow districts to fund costs related to recreational facilities;
- modify provisions for allowable change orders;
- provide additional exemptions from having to obtain commission approval of contract tax obligations and impact fees;
- add provisions regarding districts and water supply corporations' requiring connections to their wastewater collection systems;
- delete the requirement that a district provide evidence that it has held a hearing when seeking approval of a district fire department plan;
- delegate approval of district fire department plans to the executive director
- re-adopt requirements for application for extension of time to sell bonds;

- repeal or delete unnecessary rules; and
- correct and clarify the rules.
- There is a separate rule making which was approved for publication on April 26, 2002 which will consolidate all aspects of Chapter 293 affecting groundwater conservation districts into Subchapter C and rename the Subchapter as Special.

Further, because this rulemaking is the lead rulemaking to amend §293.11 (concerning information required to accompany applications for creation of districts), it accommodates a separate rulemaking in Rule Log Number 2001-094-2WT (SB 2, Article 2, §§2.22-257; Groundwater Conservation District) by amending §293.11. The separate rulemaking which was approved for publication at the April 26, 2002 Agenda meeting will consolidate virtually all aspects of Chapter 293 affecting ground water conservation district into Subchapter C “was” creation of groundwater conservation Districts in Priority GW management areas and renamed that Subchapter as Special Requirements for Groundwater Conservation Districts.

- We took comments on these proposed rules and the comment period ended May 5, 2002,
- The adoption date is July 24, 2002,
- Effective date of the rules scheduled for the end of August 29, 2002.

- **FOD Drinking Water Update - Bob Burrell (hand out)**

- PWS Checklist

The Small Business & Local Government Assistance (SBLGA) group has put together a draft PWS Checklist for PWS systems use. This checklist primarily consists of Subchapter D of the 30 TAC Chapter 290, Rules and Regulations for Public Water Systems.

-Purpose: This checklist is designed to be a self-help tool that PWS systems can use as a guide to gauge their compliance with agency rules. The checklist should be sufficient enough so that if a PWS system is in compliance with the checklist and an investigator goes out to the system, he/she will not find any major violations that could cause the initiation of enforcement actions.

-Implementation: This will be a SBLGA publication type document. The initial phase will be to send this document out to a small group (10) of stakeholders in the Valley area (Region 15). These PWS systems will use this tool on a pilot run to test its applicability.

- SBLBA’s Site Visit Contractor will not be using this checklist as part of the SBLGA program.
- TNRCC staff will not walk the sites going down the checklist for the systems.
- This checklist will be available on the SBLGA’s website.

- Consolidated Compliance Enforcement Data System (Cceds)

Data System Field Opps and Enforcement utilize new data system

- CCEDS is going forth in FOD.
- CCEDS training for the Regional Offices is anticipated to be complete by the end of July, 2002.

- 11 Regional Offices have completed CCEDS training and rolled-out as of this date.
- GPS Update: Training from staff
- The Regional Offices are collecting GPS data (longitude and latitude coordinates) on PWS facilities as scheduled, and several offices are submitting the data to the Source Water Assessment Protection group electronically.
  - FOD has been approved to receive some EPA grant money (\$264,000) to purchase additional GPS units.
- PWS Annual Staff Training Conference for FY 2002
- FOD/PDW held our 20<sup>th</sup> annual staff training conference May 6 - 10, 2002 in Tyler, Texas. The training was a success in that it provided investigators and central office staff the necessary training and updates to carry their tasks and daily activities.

**! Security Issues - Buck Henderson**

- The very successful Olympic Security Model was presented to State Drinking Water representatives in early June at Salt Lake City, Utah.
- Salt Lake City is served by 58 public drinking water systems and over one million dollars was spent to beef up security during the recent Olympic events. This effort also involved the coordination and communication between Federal, State and local officials.
- The Federal Bio Terrorism Bill passed both houses of Congress and was signed by the president. - It requires all water systems with a population served of 3,300 or more to have a vulnerability assessment conducted.

**! Other Issues of Immediate Concern - Buck Henderson**

- Integrated Annual Report

Annual reports are required for Utilities and Districts by TNRCC and certain water systems must make annual reports to the Texas Water Development Board

The TNRCC is considering the development of an integrated annual report from the water system. Data considered for the report are capacities, monthly pumpages, contacts and addresses.

- Review by TNRCC's Public Drinking Water Section has been completed on the Security Grant applications for the largest water systems in Texas (those serving a population of at least 100,000)
- TNRCC, EPA and AWWA will cosponsor a security teleconference on August 6, 2002 which will be focused on small and medium water system security training. It will have 13 downlink sites in Texas as well as others in New Mexico, Oklahoma, Arkansas, and Louisiana.

- Upcoming training, conferences, meetings & public forums

- ! AWBD-June 20-22- South Padre Island
- ! Operator Training July 21
- ! TRWA-July 17-Galveston
- ! TNRCC AWWA, EPA Teleconference-August 6
- ! We have funded and allowed 10-12 safety training through out Texas
- ! Give Alone Stand Alone Day on Training
- ! To Give A Basic Need for Information on Security Issues
- ! Developing Emergency Response

Division Director Dale Beebe-Farrow, Water Supply Division

-mentioned our new Deputy Director Mark Vickery

-The legislative has lots of interest about the drought in Texas.

-Water Conservation survey's are in progress.

! Next Meeting Date/Location/Topics  
September 10<sup>th</sup>, Bldg F 2210 from 9-12

Noon Adjourn