

Texas Commission on Environmental Quality
Drinking Water Advisory Work Group
April 11, 2006, Building F, Room 2210, 9:00 am - 12:00 noon
SUMMARY

Welcome/Introduction: Buck Henderson

First DWAAG meeting broadcast to 16 regions.

Utilities & Districts Rule Update: Doug Holcomb

- ❑ The HB 841 comments were closed yesterday; no comments were received. The HB 841 is scheduled for Commission consideration on July 26, 2006.
- ❑ On March 29, 2006 the Commission approved revisions for publications for Ch291 and 293.
- ❑ The Chapter 291- Utility rules implements three (3) bills from last regular session along with staff recommendations and unreasonable rate case expenses. The Commission also added a question to the preamble to get comments concerning known and measurable changes made to the cost of service during a rate case. A hearing will be held on May 4, 2006 in Austin.
- ❑ The Chapter 293 District rules implements six (6) bills from the last regular session along with staff recommendation on BANs and road district powers. A hearing will be held on May 13, 2006 in Austin.
- ❑ A CCN stakeholder meeting scheduled April 13, 2006, from 10-3 at the Norris Center in Austin concerning the following:
 - Opting out of area in proposed CCN applications
 - Expedited release from a CCN
 - Current CCN application addendum.
 - For more information on the topics that were discussed, please view the TCEQ website: http://www.tceq.state.tx.us/permitting/water_supply/ud/291stake.html
- ❑ Water fee update information will be posted on the TCEQ's web page soon and a Stakeholders meeting will be held this summer.

DWSRF Update- Technical Assistance: Dorothy Young

- ❑ We have been working on a project to help small water systems find the best options to come into compliance with the drinking water standards.
- ❑ Texas has a fair amount of water systems that have water quality violations and face challenges in coming into compliance. Five (5) years ago we started planning a project to try and assist these systems.
- ❑ TCEQ decided that an objective data was needed for detailed studies data that would analyze the engineering and financial feasibility of various compliance options including:
 - ❑ Source-both groundwater and surface water
 - ❑ Treatment
 - ❑ Regional opportunities
 - ❑ Funding options
 - ❑ And how those options would affect the customer rates and the financial viability of the water system.

To fund the project we are using the Drinking Water State Revolving Fund (CDWSRF) set-aside than is designated for Small System Technical Assistance. This is referred to as the 2% set-aside.

- ❑ The TCEQ staff started working with UT's Bureau of Economic Geology on this project three (3) years ago. Together we developed a methodology to analyze technical and financial options.
- ❑ BEG in turn contracted with Parsons Engineering and the New Mexico Finance Center to help conduct the studies.
- ❑ The first step three (3) years ago was a pilot projects the three (3) water systems in the Red River Area with nitrate violations.
- ❑ Last year TCEQ looked at 15 systems in six (6) counties with nitrate, arsenic and radium violations.
- ❑ This year the project includes about 25 systems in 12 counties again with nitrate, arsenic and radium violations.
- ❑ Each study results in a detailed report comparing technical options with affects on rates.
- ❑ Ultimately, TCEQ is trying to determine the affordability of compliance and help small systems meet the drinking standards.

Technical Review & Oversight- Marlo Wanielista Berg

Long Term 2

- ❑ Schedule 1 deadline is July 1, 2006 to send in sampling schedule, intent to provide full treatment, or intent to grandfather data. If you are intending to grandfather data, please send in your request before July 1. If your request is not granted, you sample schedule is still due July 1, 2006, therefore sending in your grandfathering request early allows you to know if you will need to submit a sample schedule.

Public Health Service Fee (PHS)

- ❑ TCEQ will no longer bundle large customer bills together
- ❑ The fee structure will not change at all. The change will be in how the bills look.

Drinking Water Quality-Alicia Diehl

Consumer Confidence Report (CCR)

- ❑ Ahead of schedule for mailing of CCR templates, compared to last year
- ❑ Mail out of templates sent first to systems > 500 population because they have to send copies to every customer. Mail out to systems eligible for mailing waiver will follow (a public water system is eligible for the mailing waiver if they serve fewer than 500 people and are in compliance with the rules)
- ❑ Thanks to stakeholders for suggested changes to CCR language. Source water susceptibility language will be the same this year as last year.
- ❑ Language for arsenic maximum containment level going from 50 mg/l to 10 milligrams per liter
- ❑ Templates will be on web site in ~ 2 weeks

Arsenic

- ❑ Getting systems on quarterly sampling after any triennial sample exceeds the MCL
- ❑ First sample over 10 micrograms per liter will get "alert" letter – Notice of Violation will follow after running annual average is over 10 micrograms per liter.

DBP2 (Stage 2 Disinfection By-Products Rule)

- ❑ Initial distribution system evaluation (IDSE) is coming up. Info is on web site.
- ❑ Schedule of DBP2 is based on the size of the largest system in the combined distribution system. A combined distribution system is a group of interconnected systems. Group 1 (also known as Schedule 1) is all combined distribution systems that include a system with a population of 100,000 or more.
- ❑ Letters have been sent to systems eligible for Very Small System (VSS) waiver to IDSE sampling. (a public water system is eligible for the VSS waiver if it serves fewer than 500 folks, has sample results from DBP1, has a sample site at maximum water age)
- ❑ Agency sent about 2000 VSS Waiver letters
- ❑ Delinquent file may be reason for no VSS Waiver if a system thought they should get one – then it looks like there are no samples for the system
- ❑ True wholesalers with no retail connections are subject to the DBP2 rule. They should get VSS Waiver to IDSE because zero (retail population) is less than 500.
- ❑ Next letter that went out was the 40/30 Waiver to the IDSE letter for systems in Group 1. (a public water system is eligible for a 40/30 Waiver if all their DBP1 results were less than 40 micrograms per liter for total trihalomethanes and 30 micrograms per liter haloacetic acids (group of 5))
- ❑ 70 Group 1 and Group 2 systems are eligible for 40/30 Waivers
- ❑ After that we will send letter to Group 1 systems that have to do IDSE sampling. This will be for systems (~220). Letter will contain existing addresses for each sample site for verification. Public water system will need to pick IDSE sites – we will provide instructions.
- ❑ Number of IDSE sample sites and schedule are based on distribution system size and type of water, not on the number of plants. Based on the actual system's population – not the group they are in.
- ❑ Schedule 1 deadline for returning waiver certification or IDSE Sample Plan is October 1, 2006

Comments

Ken Peterson, TRWA, says thanks to staff for helping review NRWA guidance on DBPs

Drinking Water Protection- Greg Rogers

Ground Water Rule is expected sometime between August and October 2006.

Source Water Protection

- ❑ The project around Lake Tawakoni is nearing completion.
- ❑ Planning on focusing on Edwards Aquifer during FY 07.
- ❑ Developing the EPA report of systems with “substantial” protection measures in place.

Raw Bacteriological Program

- ❑ Reminder to take Raw Bact sample sent to systems in December.
- ❑ Beginning to track required sample collection.
- ❑ Expect to send a letter to systems not collecting their Raw samples this summer.
- ❑ Failure to take Raw samples could result in the revocation of the exception.

- ❑ This development of the Raw Program will help with implementation of the Ground Water Rule. Source Water Assessment
- ❑ CCR language regarding the Source Water Assessments should be the same as last year
- ❑ Testing the new nonpoint source component of the assessment software is underway
- ❑ Updated assessments for all community water systems is expected by the end of summer.

Field OPS Division: Elston Johnson

Option 1

- ❑ Mail to agency
- ❑ Send documentation to region office to verify citation is resolved.

Option 2

- ❑ Go through Notice of Enforcement (NOE) or Notice of Violation (NOV) process
- ❑ Field Citation (see handouts) affects situation more so than NOE or NOV

Question:

From Charles in Abilene Region

Answer:

For operator violation the person gets the violation, not the system.

I Received a Field Citation. What Happens Next?

The TCEQ conducted an investigation at your regulated entity. The investigator cited a violation(s) on an official TCEQ Field Citation form. The Field Citation is intended to promote a quick resolution for violations documented during a TCEQ investigation, while offering a reduced penalty as compared to a penalty calculated through the traditional enforcement process.

If you receive a field citation, you have two options:

Option #1 - Settle the Field Citation.

If you choose this option, you must do the following TWO things:

1. Sign the field citation form and mail it to the TCEQ along with the total assessed penalty payment within 30 days from the investigation date. Mail the signed form and penalty payment to:

Financial Administration Division, MC 214 TCEQ
P.O. Box 13088
Austin, Texas, 78711-3088

Please include the name of the Regulated Entity and the Field Citation number (located on the top right-hand corner of the Field Citation form) on your payment method.

2. Correct the violation(s) and mail certification of your completed corrective action to the region address listed and circled on the back of the field citation form within 60 days from the investigation date. Your certification of completed corrective action must include any documentation necessary to prove corrective measures have been completed, such as receipts, photographs, and copies of records.

Please be aware that payment of the penalty does not relieve you of your responsibility to correct all alleged violations.

NOTE: You have the right to appeal the Field Citation to the Regional Director within the 30 days from the investigation date. Please contact the Regional Director at the phone number on the back of the Field Citation. **Please be aware that after the 30th day, you will be subject to higher penalties for the unsettled field citation.**

Option #2 - Choose NOT to accept the Field Citation

If you choose this option:

- Your Field Citation will be referred to the TCEQ Enforcement Division for a standard administrative order. In this process, you may choose to disagree with the violation and enter into discussions that may resolve the issue or may lead to litigation for resolution. The reduced penalty opportunity is removed during this process. An Enforcement Coordinator will contact you soon after you inform the associated investigator of your choice for this option.
- You may request all the violations be combined into one enforcement action, IF additional violations were documented (other than those checked on the Field Citation). Choosing this option means you forfeit the reduced Field Citation penalty, which has a lesser impact on your TCEQ compliance history, because the Field Citation is treated as an agreed final enforcement order containing denial of liability for compliance history purposes. See 30 TEX. ADMIN CODE Ch. 60 for more detail on compliance history rules. You will retain your opportunity to request an evidentiary hearing through the State Office of Administrative Hearings.

See information about the TCEQ Field Citation pilot program at
<http://www.tceq.state.tx.us/goto/citation-pilot>

Terry Thompson (Operator Licensing)

- On-line training roster reporting process
- Can renew on-line
- Can see training records on-line
- Get Continuing Education Unit (CEU) in before deadline
- Update of chapter 30 rules
- Lab techs have been collecting samples then taking them to the lab. Person collecting sample must be licensed.
- Component of RG 373 will be incorporated in revised rule.
- Agency is looking at web based testing

Tony Bennett (Water Supply Division)

Affordability

- ❑ Federal Register is out for comments for new affordability methodology
- ❑ How should we use median income to determine affordability
- ❑ Contact Tony Bennett for answers to questions

Total Coliform Rule (TCR) Revision

- ❑ EPA is restarting review and revision discussions
- ❑ States propose to make TCR an action level, where system then does certain actions
- ❑ Fecal coliform hit is to be more stringent

Desalination

- ❑ Some regional water plans now include desalination of brackish waters.
- ❑ Sizing issues
- ❑ Similar to surface water treatment from a regulatory standpoint
- ❑ Discharge of residuals is a major concern

HB 2430

- ❑ Rainwater harvesting for indoor use
- ❑ TCEQ is required to make recommended standards for indoor use of rain water
- ❑ TCEQ will not create rule, but will create guidelines, one for public water system and one for individual use.

Question

Is there really a potential for using rain water in public water systems

Answer

May not be a potential for community water systems, but may be used for non-community water systems

Small System Waiver (Proposed)

- ❑ Senate Bill 2161, authored by Bill Inhoff
- ❑ Came from impact of the revised arsenic rule

MIKE LANNEN (Public Drinking Water Section)

Drought

- ❑ As we enter summer, additional public waters systems will reach the triggers of their Drought Contingency Plans and impact restrictions.
- ❑ 110 systems requested customers conserve water (65 are voluntary, 45 are mandatory)
- ❑ Systems are managing their resources well at this time

Question

Why are some systems using drought to impose no more connections added to system?

- ❑ Public water systems can not use drought as a reason for not allowing connections.
- ❑ Wildfires out of control

Question (from Mark Zepp)

Estimate time to get appraisal of drought management plan

- ❑ See Doug Holcomb for answer to time required
(Scot Swanson)
(Incorporation into tariff)

Stakeholder Updates, Issues & Upcoming Training Events- Buck Henderson

- ❑ Red Lion TRWA & IWSCOT(rate making seminar)
- ❑ Mark Zeppa Independent Water & Sewer Companies of Texas (IWSCOT) will have their qtrly meeting May 12, 2006.
- ❑ Rate increase application on cash needs basis
- ❑ Ken Peterson will talk about regular rate applications
- ❑ Mutual aid relationship for small systems after natural disasters
- ❑ Rural water emergency response (RWECA)
- ❑ Important to get proper generator size to small system

DWA WG members suggested:

- ❑ Update of TCEQ web page (for public drinking water topics)
- ❑ Sam Jones: see web site for Association of Water Board Directors, Convention in Galveston
- ❑ Mike Howe (TX AWWA), June 11 – 15, National AWWA Conference, San Antonio
- ❑ TX WARN - - all hazard response and recovery team
- ❑ System that allows water system representative to go to web site to find location of resources designed to meet state and federal regulations
 1. Allows utilities to be reimbursed
 2. Allows response teams to move into an area soon after disaster
 3. Modeled after TX Forest Service
 4. Support people on the ground
 5. Avoid redundancy
 6. Helps assess needs
 7. Meet at end of month with all TX WARN members

City Of Austin: Charles Maddox (Texas Water Research Foundation)

PRESIDENT - - Charles Maddox

Association is looking for ideas for research topics

Proposal

- ❑ License for operators of membrane plants
- ❑ Will work with TCEQ Operator Certification
- ❑ South central de-salting operations

Buck Henderson

- ❑ Vermont & Texas have implemented a pilot study for small system recognition for voluntary security enhancements.
- ❑ Self assessment for vulnerability assessments
- ❑ Template emergency response plan
- ❑ Voluntary program to prepare for upcoming hurricane season to include generator specifications.

Other Issues of Immediate Concern : Buck Henderson

Upcoming training, conferences, meetings & public forums

- ❑ UV Technology Conference
- ❑ TCEQ Trade Fair, May 9 - 11
- ❑ Annual Instructor School (Operator Certification) July 5, 6 & 7, 2006
- ❑ PDW Conference - - August 15 & 16, 2006.

Next Meeting: July 11, 2006