

PUBLIC OUTREACH AND EDUCATION SUBCOMMITTEE
OF THE
TEXAS GROUNDWATER PROTECTION COMMITTEE
RECORD OF MEETING
First Quarterly Meeting, Fiscal Year 2005

Meeting Date: December 16, 2004
Meeting No.: 03

Place: TCEQ Campus, Bldg E
Room: 254S

TABLE OF CONTENTS

MEETING ATTENDANCE	2
MEETING HANDOUTS	2
MEETING RECORD OF December 16, 2004	
1. Call to Order and Introductions	2
2. Review of Minutes from the August 12, 2004 Meeting	3
3. Report on Tasks from the August 12, 2004 Meeting	3
a. Abandoned Well Closure Fact Sheet	3
b. On-Site Wastewater Fact Sheet	5
c. Well-Plugging Closure Events	7
d. Fact Sheets on Radionuclides, Arsenic, etc.	9
4. Update on Options for Additional Outreach Activities	10
5. Update on the Report to the Legislature	11
6. Public Comment	11
7. Announcements and Adjournment	11

MEETING ATTENDANCE

<u>PO&E of TGPC Members</u>		<u>Affiliation</u>	<u>Program</u>
Bruce Lesikar	(Chair)	TCE	
Linda Haynie	(Co-Chair)	TCEQ	Policy & Standards
Michael Hare		TDA	
Lee Parham		TDLR	
Mel Davis		TSSWCB	

Agency Staff

Courtney O'Neill		TCE	
Jennifer Delk		TCEQ	Technical Analysis Div
Steve Musick		TCEQ	Technical Analysis Div

Interested Parties

Lynne Fahlquist		USGS	
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MEETING HANDOUTS

1. Minutes from the August 12, 2004 meeting of the Subcommittee
2. Landowner's Guide to Plugging Abandoned Water Wells Fact Sheet
3. Deteriorated Wells Fact Sheet
4. OSSF Fact Sheet
5. Graywater Fact Sheet
6. SEP projects "Plugging Abandoned Water Wells" Memo
7. SBEA FYI: Making Septic Systems a Safe Way of Life in Texas
8. SBEA Local Government Guide to TNRCC chapter 10 On-Site Wastewater Systems
9. Perchlorate Fact Sheet
10. Arsenic Fact Sheet
11. EPA Perchlorate Contamination Article
12. Texas Tech University Water Resources Center Report on Sources of Perchlorate in the High Plains Region of Texas
13. Texas Tech University Water Resources Center Perchlorate Presentation: Occurrence of Perchlorate in Groundwater in the Southern High Plains of Texas.
14. Email from EPA on arsenic in water issues and responses
15. TCEQ Plain language summaries for Arsenic and Radionuclide Rules and the MOU on Abandoned and/or Deteriorated Wells
16. TCEQ Environmental Trade Fair notice
17. Announcement of On-Site Wastewater Treatment Research Council Conference

CALL TO ORDER AND INTRODUCTIONS

- G Bruce Lesikar started the meeting at approximately 1:30 p.m.

REVIEW OF MINUTES FROM THE August 12, 2004 MEETING

- G Lee Parham gave an update on the memorandum of understanding (MOU) on Abandoned and/or Deteriorated Wells. He said that TDLR approved the MOU language.
- G Steve Musick said that he would pass the information along to TCEQ.
- G Bruce Lesikar asked if this means that the MOU will be signed between TDLR and TCEQ.
- G Steve Musick said that TCEQ still has to approve it. The MOU is scheduled for a mid-February agenda.
- G Bruce Lesikar asked Groundwater Conservation Districts (GCDs) would be approached to join the MOU after that.
- G Steve Musick says that GCDs are required by statute to implement the program in lieu of TDLR.
- G Lee Parham said that GCDs can conduct the investigations and enforce the laws or they can refer the issue back to TDLR.
- G Bruce Lesikar asked which session brought up the issue.
- G Lee Parham said that it was last legislative session (78th).
- G Steve Musick said that we don't know which GCDs will join the MOU.
- G Lee Parham says that abandoned well training will be provided to the TCEQ Regional Inspectors and GCDs.
- G Bruce Lesikar said that Gary Inglekeaton was at the Nonpoint Source Meeting this morning and he wanted some of the educational materials on abandoned well closure. They wanted to have some materials available to landowners in the Frio District.

DISCUSSION OF ITEMS FROM THE August 12, 2004 MEETING

Abandoned Well Closure - Update

- G Bruce Lesikar said that Jennifer Delk was working on the *Landowner's Guide to Plugging Abandoned Water Wells (Landowner's Guide)* and asked who it had been sent out to for approval.
- G Jennifer Delk said that she sent it out to Bruce Lesikar and Lee Parham.
- G Bruce Lesikar brought up the fact that Michael Hare had some questions about the contamination issue at the last meeting. Specifically the definitions of "contamination" and "liability". The language in paragraph three about contamination appears to be a threat to landowners.
- G Steve Musick suggested that language from Chapter 26 of the Water Code be used and that we might consult a lawyer on the issue of liability.

- G Bruce Lesikar clarified that it reads that the landowner is liable for any groundwater contamination.
- G Steve Musick says that the landowner is responsible for cleanup of groundwater contamination.
- G Lynne Fahlquist says that the issue is responsibility vs liability.
- G Steve Musick doesn't know if there is a law we could specifically use to define that. Chapter 26 of the Water Code on unauthorized discharge should be sufficient. Steve Musick suggested alternate language, "homeowners will be in violation of state laws..."
- G Lee Parham gave an example of language that TDLR uses in their plugging fund guidance document.
- G Steve Musick mentioned that this is covered by state law. The innocent landowner legislation that passed about two or three sessions ago.
- G Steve Musick asked if we have rules for the voluntary clean up program. The voluntary clean up program requires that if there is contamination that the landowner notify TCEQ and go through the application process and proceed with cleanup. After going through the process you will eventually get a release of environmental liability.
- G Bruce Lesikar asked if we wanted to add examples about contamination to the *Landowner's Guide*.
- G Steve Musick said that the *Landowner's Guide* should be about well plugging.
- G Lee Parham's notes said that examples and a definition of deteriorated well should be added to the publication.
- G Bruce Lesikar suggested that those items may be better suited for training provided to TCEQ and GCD staff.
- G Lee Parham distributes copies of a deteriorated well guidance document.

NOTE: Michael Hare enters meeting at 1:52 p.m.

- G Steve Musick said that we should improve the definition of "contamination".
- G Lynne Fahlquist mentioned that we should clarify responsibility vs. liability.
- G Steve Musick said that we should use state law and use specific findings for landowner liability for education.
- G Bruce Lesikar asked if TCEQ was going to publish the *Landowner's Guide*
- G Steve Musick said that TCEQ would handle making the corrections to the document. TCEQ would then circulate the document to the committee and send it through the publications process. Steve Musick said that TCEQ could also handle printing the publication.
- G Bruce Lesikar and Lee Parham said that there is no need for printing the publication. They would use the electronic document.
- G Steve Musick said that TCEQ would take care of adding it to the website and notifying the group of the location of the finished *Landowner's Guide*.

On-site Wastewater Fact Sheet

- G Bruce Lesikar said that Courtney O'Neill has copies of the On-site wastewater fact sheet. TCE made edits and the fact sheets are in the final approval process. Bruce said he'd like to send the fact sheet to the communications group next month.
- G Bruce Lesikar said that there is also a graywater fact sheet.
- G Bruce Lesikar asked what the status of the graywater rule was.
- G Jennifer Delk said that the rule was approved at the TCEQ commissioner's agenda on December 15, 2004. The rule would be published in the *Texas Register* in two weeks and would be effective on January 6.
- G Steve Musick asked if Jennifer Delk would send out notice when the rule was published in the register.
- G Bruce Lesikar said that what TCE wanted to do was introduce what graywater is then talk about what it takes in order to do graywater and then talk about the rule.
- G Lynne Fahlquist asked if there were issues in using graywater over the Edwards recharge zone.
- G Steve Musick said that he didn't think that there were any rules concerning this issue.
- G Bruce Lesikar said that the problem is in the way the bill was written. It says that any landowner who has a graywater system with a capacity of less than 400 gallons per day would not be inspected or be subjected to permitting or oversight. There is an unlimited ability as long as you follow the guidelines.
- G Courtney O'Neill said that this was not made clear in the fact sheet and that she would be making changes to the document.
- G Steve Musick mentioned that the on-site fact sheet was on permitting. Steve Musick asked if the second would be on maintenance.
- G Bruce Lesikar said that there would be three different fact sheets in this series. Selecting/permitting, graywater, and operations and maintenance.
- G Steve Musick asked if the operations and maintenance fact sheet would include graywater.
- G Bruce Lesikar said that the operations and maintenance was going to go into a discussion on the types of operations and maintenance activities and then go into a discussion about selecting a maintenance provider. One of the big issues are the systems that require maintenance providers. People don't really understand what that means.
- G Steve Musick asked what the rules say now. Can you maintain on-site sewage facilities (OSSFs) on your own?
- G Bruce Lesikar said that if you live in a county with a population less than 40,000 you can maintain an OSSF yourself. You have to hire a provider for spray or drip applicator systems.
- G Bruce Lesikar said that his intent with the fact sheet was to describe what

operations and maintenance was. If you had to have a maintenance provider and how to draw up a maintenance contract. Bruce Lesikar said that homeowners don't understand what they are contracting for. Most homeowners end up paying for a monitoring contract instead of the maintenance contract. There is a need for definitions of terms. There are maintenance providers who are actually selling operations, maintenance and monitoring contracts. There is a big difference in price for services. Maintenance contracts run anywhere from \$220 to \$360/\$400 per year. People think that they are getting a deal when they pay a lower price of \$99 and the homeowner gets the wrong service.

- G Lee Parham asked who receives these reports.
- G Bruce Lesikar said that authorized agents receive them.
- G Steve Musick asked if there was any value in looking at the numbers should there be different educational documents. Steve Musick asked if people could do their own operations and maintenance and if we wanted to encourage them to do it themselves.
- G Bruce Lesikar said that people should avoid doing operations and maintenance on the advanced systems.
- G Steve Musick asked if we were just talking about the nonstandard systems. Aerobic and spray irrigation? Or all we talking about maintenance on standard.
- G Bruce Lesikar said that he was thinking more about the advanced treatment systems.
- G Steve Musick said that he was just wondering what the need is.
- G Steve Musick added that standard systems should be added to the list of publications to work on if there aren't any publications already out there.
- G Bruce Lesikar said that he is in the process of getting a manual together and planned to pull out sections to create smaller guidance documents. It will be finished in July.
- G Lee Parham asked what happened in step one where it talks about site and soil are evaluated. It says that you have to have a licensed site evaluator which is licensed through TCEQ or professional engineer. What happened to registered sanitarians?
- G Bruce Lesikar said that the site evaluator license is a companion license.
- G Lynne Fahlquist said that it would be useful if the license types were explained.
- G Bruce Lesikar asked if definitions should be added to the fact sheet.
- G Lynne Fahlquist responded that the license types that were needed to perform the work should be added to the fact sheet.
- G Steve Musick said that people might want to know this information.
- G Michael Hare asked about the part of the fact sheet that talked about needing experience in designing OSSFs. Michael Hare specifically asked how long it takes for a person to be experienced in that sort of trade.
- G Bruce Lesikar said that information was something that TCE added to encourage people to ask questions. Bruce needs to check on this but that

information may have come from chapter 285.

- G Lynne Fahlquist said that entities should be defined.
- G Steve Musick asked if it was required that a person be licensed to practice in Texas.
- G Bruce Lesikar said yes.
- G Lynne Fahlquist said that the challenge in educating the homeowner is getting them to understand the definitions.
- G Linda Haynie asked if there was a deadline for comments on the fact sheets.
- G Bruce Lesikar said that he would take comments until mid January.
- G Bruce Lesikar said that he would need more information from the graywater rules that were just adopted.
- G Jennifer Delk said that she would get the rules to Bruce Lesikar.

Well Plugging Closure Events

- G Linda Haynie said that she spoke to the TCEQ contractor about supplemental environmental projects (SEPs) for well plugging.
- G Linda Haynie said that hopefully they will continue to fund well plugging through this program.
- G Steve Musick asked if the funding was all contracts and where the money comes from.
- G Linda Haynie responded that the money comes from different programs but she doesn't know what the selection process involves.
- G Steve Musick asked if anyone knew a contact person from RC&D.
- G Bruce Lesikar said that he worked with some of their people in reference to septic system upgrades. Specifically small community clustered treatment systems.
- G Bruce Lesikar said that GCDs might want to file proposals for funding through SEPs.
- G Lee Parham asked how you get funding.
- G Linda Haynie said that she would find out more from the contractor. Linda Haynie also wanted to get more information on the selection process.
- G Bruce Lesikar said the that funding is based on media and location.
- G Lynne Fahlquist asked how the SEP program connects the funding with the location.
- G Bruce Lesikar said that RC&D might put in a blanket proposal.
- G Bruce Lesikar suggested that the Texas Alliance of Groundwater Districts (TAGD) file a proposal.
- G Lynne Fahlquist asked if there were RC&Ds in every county.
- G Bruce Lesikar said that they are a regional natural resource conservation service.
- G Linda Haynie will talk to Lila Carter about the program and see how the RC&D people are operating with the SEPs.

[aside on OSSF]

- G Steve Musick asked about the OSSF information in the handouts.
- G Jennifer Delk said that they were from TCEQ's Small Business Environmental Assistance (SBEA) group. SBEA used to publish a handbook for local governments which included a section on OSSF. The last one was published in 2000. Jennifer Delk spoke with SBEA and they said that they were not going to republish the book in its current form. The section on OSSF will not be included. Local governments are mainly interested in funding for leaking OSSFs. SBEA is looking into a statewide SEP to solve this problem.
- G Steve Musick suggested providing links to the updated information.
- G Linda Haynie said that the local government guide was created as a notebook to send out to new local officials but there isn't a big need for it anymore.

[end aside on OSSF]

- G Bruce Lesikar said that there were well pluggings in Comanche County in September, Webb County in October, and TCE is looking at conducting well pluggings in Bell County in January 25&26, Nachodoches June 7, and Fayette County in March or April.
- G Bruce Lesikar said that Monty Dozier will be doing well water screening demonstrations at the same time.
- G Bruce Lesikar said that Courtney O'Neill will be giving a presentation January 1st in Temple at the Belton County Expo Center and there will be a well plugging demonstration afterwards.
- G Linda Haynie asked how Bruce Lesikar notified people of the upcoming demonstrations.
- G Bruce Lesikar says that he goes through the county.
- G Linda Haynie asked if that was something that membership might want as an email FYI incase you are out in the field on the same day.
- G Lee Parham said that GCD managers could use that as well
- G Linda Haynie said that regional offices should be notified as well.
- G Bruce Lesikar said that this is done in cooperation with the GCDs.
- G Lee Parham said that he has GCD managers that he'd like to send to the training .
- G Steve Musick asked if Bruce Lesikar and Monty Dozier have given thought to how well they've been reaching people.
- G Lee Parham said that there has been no rise in plugging reports.
- G Linda Haynie asked if there was an evaluation after the training.
- G Bruce Lesikar said that he asked people at the seminars to tell city agents as a form of documentation. Bruce Lesikar said that he stresses the need for documentation with attendees.
- G Lee Parham said that he gets calls from people asking how to file

- plugging reports.
- G Bruce Lesikar is pushing environmental assessments.
 - G Lynne Fahlquist said that it is important to convey the value of plugging.
 - G Bruce Lesikar said that in Temple he conveys to people that rent the land the importance of notifying the landowner of the situation so they don't have to farm around the wells.
 - G Lee Parham said that he is doing research on title insurance. The only way that well plugging is tied to title is if the regulating authority was notified by the previous landowner.
 - G Steve Musick said that he wouldn't go as far as deed recordation.
 - G Linda Haynie mentioned that they used that method with landfills.
 - G Bruce Lesikar said as a follow up there is value in polling places where they have done presentations.
 - G Linda Haynie said that measurable results help to get funding.

Fact Sheets on Radionuclides, Arsenic, etc.

- G Bruce Lesikar said that there hasn't been much progress with the fact sheets.
- G Michael Hare said that he has two finished. He was working from the toxicology aspect. The arsenic and perchlorate fact sheets are done. He has not finished the fact sheets on radionuclides or nitrate. Michael Hare will email those to the group.
- G Linda Haynie distributed hand outs on Perchlorate from the Texas Tech study and announced that the information is now available on the Texas Tech Web site.
- G Lynne Fahlquist asked if the complete report was available.
- G Linda Haynie replied that it was.
- G Lynne Fahlquist asked if the National Academy of Science was releasing a report in December or if it has been postponed.
- G Michael Hare replied that the report was scheduled for completion in February 2005.
- G Linda Haynie asked Michael Hare when comments were due on the arsenic and perchlorate fact sheets.
- G Michael Hare said that he would take comments until March 1st.
- G Bruce Lesikar said that we need to work on adding treatment components to the fact sheets. Bruce Lesikar is scheduled to do training an agent training. He plans to discuss some of these issues May 9 & 10.
- G Steve Musick asked if Monty Dozier has anything that he hands out during his talks.
- G Lynne Fahlquist said that she read something on nitrates recently that said that a maximum contaminant level (MCL) of 10 may be too high.
- G Courtney O'Neill said that she's read cases on people thinking its too high.
- G Michael Hare said that there may be a study published. He said that there

- has been a movement to look at low levels in chemicals.
- G Jennifer Delk gave an update on the arsenic rulemaking. The rule was approved at the TCEQ commissioner's agenda on December 1, 2004 and would be effective on December 23.
 - G Lynne Fahlquist asked if the rules were the same as the federal standards.
 - G Jennifer Delk said that she wasn't sure if they were the same or more stringent.
 - G Steve Musick asked if there were changes to MCLs besides uranium.
 - G Jennifer Delk said that she would check with the project manager to see if there were any additional changes.
 - G Steve Musick asked about the email that was distributed.
 - G Linda Haynie said that it was just an FYI on treatment.

UPDATE ON OPTIONS FOR ADDITIONAL OUTREACH ACTIVITIES

- G Linda Haynie said that TCEQ's Environmental Trade Fair is coming up in May and that there was an OSSF conference in March.
- G Lynne Fahlquist asked who usually attends the Environmental Trade Fair.
- G Linda Haynie responded that everyone attends.
- G Steve Musick said that there is a lot of hands on training, permitting, etc.
- G Linda Haynie said that they were looking for presenters and exhibitors. They hadn't made an announcement for the deadlines yet but she will pass on more information when its available.
- G Linda Haynie mentioned that there was a Groundwater Association meeting in Lubbock, January 25-28.
- G Lee Parham asked who was heading the OSSF wastewater treatment research council these days.
- G Bruce Lesikar said that it was Kathy Rutherford and Lee Mann.
- G Bruce Lesikar added that if the agenda wasn't full, Lee Parham could talk about well plugging and septic tanks.
- G Linda Haynie asked if anyone wanted to participate in the Environmental Trade Fair.
- G Bruce Lesikar mentioned that we could do a booth.
- G Steve Musick said that abandoned wells would be a good topic.
- G Lee Parham asked if we would do a presentation.
- G Steve Musick he wasn't interested in presenting and that having a booth would probably be a better option. We have a video and handouts for abandoned wells.
- G Linda Haynie said that it is more important to have resources there.
- G Steve Musick said that we will look into creating a booth with the existing handouts.
- G Linda Haynie listed more upcoming events.

UPDATE ON REPORT TO THE LEGISLATURE

- G Linda Haynie said the report was finished.
- G Steve Musick added that it was sent to the printshop on December 15.
- G Steve Musick asked if there was anymore response on additional outreach activities at the last meeting.
- G Linda Haynie said that what we had just discussed was it.
- G Steve Musick asked if we talked about TEX*A*Syst. Monty Dozier mentioned it at the last meeting. Steve Musick wanted to know if the program was being used.
- G Bruce Lesikar said that the TEX*A*Syst program was not being pushed. Monty Dozier educates. Bruce Lesikar wanted to know how the new fact sheets could be tied in. They could be added to the TEX*A*Syst program.
- G Bruce Lesikar wants to know if it would benefit us to figure out a way to boost the TEX*A*Syst program. He asked if we had any ideas on how to do it.
- G Linda Haynie said that abandoned wells were discussed at the last meeting. She added that the *Texas Groundwater Protection Strategy* addressed the need for involving the TEX*A*Syst program in conserving groundwater quality.
- G Bruce Lesikar said that he would check with Monty Dozier.
- G Steve Musick said that we needed a vehicle to assist with funding.
- G Bruce Lesikar said that TCE is focusing on packaging presentations with educational materials and that they were also adding in continuing education credits.
- G Steve Musick said that Mary Ambrose's thoughts on the drinking water fact sheets were that they were a system for getting information out to areas with problems.
- G Bruce Lesikar said that he would be meeting with county agents May 9 & 10.
- G Lynne Fahlquist said that GCDs and county agents should be enough to get the word out.
- G Steve Musick asked if GCDs wanted to pick up the information.
- G Lynne Fahlquist said that we may want to involve local health departments. If we have county agents we may want to include regional inspectors/officials.
- G Steve Musick said that he would talk to the new DSHS committee representative about involvement.

PUBLIC COMMENT

- G No Comments Received.

ANNOUNCEMENT AND ADJOURNMENT

- G Bruce Lesikar ended the meeting at 3:15pm