

## **AGRICULTURAL CHEMICALS SUBCOMMITTEE MEETING RECORD**

### **TIME AND DATE:**

10:30 AM, April 20, 2006

### **LOCATION:**

TCEQ, Park 35, Building F, Room 2210, Austin, Texas

### **PURPOSE OF MEETING:**

The FY06 Third Quarter Meeting of the Agricultural Chemicals Subcommittee of the Texas Groundwater Protection Committee.

### **ATTENDEES:**

#### **AGENCIES**

Texas Department of Agriculture [TDA]  
Texas Commission on Environmental Quality [TCEQ]  
Texas Water Development Board [TWDB]  
Texas Cooperative Extension [TCE]  
Texas State Soil and Water Conservation Board [TSSWCB]  
Texas Alliance of Groundwater Districts [TAGD]  
Texas Structural Pest Control Board [TSPCB]

#### **REPRESENTATIVES**

Steve Musick	Chair, Member, TCEQ, Austin
Ambrose Charles	Member, TDA, Austin
Janie Hopkins	Member, TWDB, Austin
Bruce Lesikar	Member, TCE, College Station
Richard Egg	Member, TSSWCB, Austin
Barry Miller	Member, TAGD, Gonzales
Jeff Isler	Member, TSPCB, Austin

#### **AGENCY STAFF**

Alan Cherepon	TCEQ, Austin
Joseph L. Peters	TCEQ, Austin
Kathy McCormack	TCEQ, Austin
Richard Eyster	TDA, Austin
Ed Gage	TDA, Austin
Lynne Fahlquist	USGS, Austin

#### **INTERESTED PARTIES**

Ed Baker	Syngenta Crop Protection, Mineola
George Caldwell	Texas Farm Bureau

## **MEETING SUMMARY:**

### **I. Opening Remarks**

The Chairman of the Agricultural Chemicals Subcommittee, Mr. Steve Musick (TCEQ), called the meeting to order. He welcomed everyone to the meeting. He had the Subcommittee members introduce themselves. Subcommittee members not present included C. Allan Jones (TAES), and Jeff Isler (TSPCB). Mr. Musick proceeded immediately to the Task Force Reports.

### **II Task Force Reports**

**Site Selection Task Force:** Janie Hopkins (TWDB), the Task Force Chair, provided a brief summary of work the TWDB is performing in 2006, which includes 71 samples to be collected in the Gulf Coast aquifer, due to Hurricane Rita limiting sampling the previous year. They will also be taking 328 Carrizo-Wilcox aquifer samples. She expects another 28 samples from the Queen City aquifer, 16 from the Sparta aquifer, 34 from the Woodbine, 6 in the Nacatoch, 12 in the West Texas Bolson, and 50 in the Seymour. In addition to these, they will be conducting field analysis for the Bureau of Economic Geology with a spectrophotometer for dissolved oxygen, sulfides, and iron, and especially in relation to nitrates in the Seymour aquifer.

Alan Cherepon (TCEQ) added a brief summary of the sampling plan for monitoring which the TCEQ will be conducting this year (handout provided). An SOP was included on analytical work the TAES lab will be conducting for atrazine metabolites, and possibly metolachlor metabolite analysis. The TCEQ is still working out the details of whether the lab at TAMU can secure standards and conduct metabolite analyses for the metolachlor. The EPA Standards Repository has the request for these standards, and will hopefully be able to provide them for these analyses in time for the monitoring trip this summer. A table provides details on where samples will be collected, and the TCEQ should only require one sampling trip to the Panhandle region this year. Additionally, a summary of expected cooperative sampling with the TWDB is provided. A limited number of metolachlor analyses will be done by immunoassay this year, as budget cuts have limited the number of test kits that could be purchased. The final page of the handout listed potential sampling locations for atrazine and metolachlor metabolites. A brief explanation on why certain areas or wells were targeted for these analyses was also provided. One immunoassay alachlor kit was purchased for use on samples collected in the Panhandle, and a few other areas. This was purchased as a test to determine whether alachlor would be detected in high use areas. In addition to the Panhandle trip, a day trip to sample selected wells in Bexar County will be made to sample Bexar Metro wells with confirmed atrazine detects by TCEQ's Public Drinking Water monitoring program. These wells are anticipated to be in the Edwards-Trinity aquifers.

Ambrose Charles (TDA) requested a list of priority pesticides for Texas, to include metabolites, for his reporting at the SFIREG meeting in Seattle next week. A short summary of previous metabolite analyses (USGS and Syngenta) was also provided at the end of the task force report.

(Jeff Isler (TSPCB) arrived during this time, and introduced himself at the Chair's request)

Bruce Lesikar (TCE), the Education Task Force Chair, mentioned a few education and outreach events. Dana Porter provided a couple of training events in Floyd and Crosby Counties. Richard Eyster developed a presentation to TDA inspectors, incorporating some of Dana Porter's materials. Also, a well plugging demonstration was conducted at a well in Killeen, within the Clearwater Groundwater Conservation District, which included good coverage by a local television news reporter.

None of the other Task Forces had anything new to present, or the chair was absent.

### **III. Changes to Section 18s, Temporary Exemptions for Pesticide Use**

Ed Gage (TDA) presented an overview of the recent changes to the Section 18 rules, which address temporary exemptions for pesticides presently not registered for use on those crops for which they are applying for use on. Some background on the essentials of the Section 18 program was provided, along with the most critical changes, and how these will affect Texas and the exemption process in general.

The changes to the rule became effective on 3/28/06, which objective was to streamline the process without jeopardizing human health, or the environment. Repeat requests can now be processed more quickly, and extensions for multiple years will be easier to get authorized. Another streamlining mechanism was the process for substantiating significant economic losses. These changes will reduce the burden on both the applicant state and EPA reviewers. Where previously a considerably thick document was needed, these exemptions can now be accomplished in a couple of pages, making it easier for both the preparer and the reviewer. Eligible repeat applicators can also use an abbreviated form and process. Several requirements need to apply if you are seeking these abbreviated forms and processes, such as continued emergency conditions, or that some new product hasn't been introduced that would effectively do what the Section 18 exemption pesticide does. A list is also provided by EPA that indicates which pesticides are eligible for Section 18 renewal or extension application.

Some clarification was made on which pesticides are eligible for Section 18s, making it clear that once a pesticide has been cancelled, it is no longer eligible for a Section 18. Also, the pesticide must be eligible for re-certification or registration for it to get a Section 18.

Some possible reasons for needing a Section 18 may include organism resistance to some pesticide, the manufacturer chose not to re-register or cancelled the registration, or there may have been some lag in use and manufacture of a pesticide, where insufficient supplies exist for that pesticide, so an alternative is needed. These situations could result in needing to get an exemption for several pesticides, due to insufficient amounts of any one of the effective pesticides. Certain weather patterns may also cause an outbreak of some pest that normally wouldn't be an issue.

Mr. Gage also summarized the five points or conditions that must apply for re-certification or continuance of a Section 18 exemption under the new rules:

- The 1-2 page document indicates that the same emergency situation exists
- Those conditions are still accurate, and if not, in what ways have these changed

- The condition of use is the same
- No additional conditions limitations exist
- Applicant is not aware of alternative effective pesticides available for use

Specifics on proving significant economic loss were also addressed by Mr. Gage. EPA will evaluate the request, and 5 years of data is no longer necessary. They use a 3-tiered approach, requiring greater proof of loss, and greater percentage of loss for tier 3, and less for tier 1. They can now use university studies or ag statistics to indicate estimated loss. The pesticide manufacturer needs to show progress toward registration of the product within the past 5 years, which is less stringent than previously required (3 years). Invasive species can go through a quarantine exemption process (easier), and endangered species issues will be looked over more closely, considering risk to the species, and distance of application to the species.

A couple of questions were fielded by Mr. Gage. The number of Section 18s typically filed in Texas is between 10-15, are usually for specific areas or counties for specific crops, and needs to include estimated use rate, number of acres, and the maximum amount of pesticide anticipated. Excess pesticide is shipped back to the manufacturer, who often ships it to another state, which has a similar need.

#### **IV. Information Exchange**

##### **Continuing Education Units for Atrazine BMP Presentation**

The Continuing Education Units (CEUs) has been brought up at previous meetings, relative to this curriculum developed by TCE and refined by TDA for training their inspectors. TCE provided the draft presentation on atrazine and BMPs developed by Dana Porter in Lubbock. Richard Eyster (TDA) took the presentation and developed it further for use in TDA's inspector training program. There are three parts to the training. Protection of groundwater from pesticides, wellhead protection, and BMPs for both groundwater and surface water. Mr. Musick asked if we should have some closure on this matter, and Ambrose Charles said they will be tracking this training to assess the effectiveness of the training, and can report back on this in future meetings.

##### **Upcoming AAPCO/SFIREG Meetings**

AAPCO/SFIREG meeting issues for next weeks meeting will address pesticide degradates, water quality Performance Assessment Measures, prioritizing ambient water criteria, endangered species, and container recycling problems. Richard will not be at the meeting, but will try and get a summary on it next meeting.

## **Summary of USGS Pesticide Synthesis Project**

Lynne Fahlquist (USGS) provided handouts and a summary of this report. The report synthesizes pesticide monitoring results across the US in the USGS NAWQA program from 1992-2001. These studies included both statistically representative monitoring and targeted agricultural and urban areas for pesticides, and compares the various aspects of agricultural vs urban use, groundwater vs surface water, as well as sediments and tissue studies, which pesticides are most often detected, and such. The study findings on pesticides can basically be summarized as follows:

- Almost always present in streams
- Less common in ground water, and more often in shallow groundwater
- Unique geographic and seasonal patterns (most high detects following application)
- Constantly changing over time
- Mixtures are the rule, not the exception

A listing of which pesticides were most often detected in agricultural vs urban use areas, surface water vs groundwater, and such. Results for urban areas were less sure, as use data is lacking for much of the pesticides in most cities. Ms. Lundquist also mentioned the difference between the NAWQA results finding little atrazine in the Panhandle region of Texas, whereas the TCEQ and cooperative monitoring results had detected considerably more atrazine in the same region. This was primarily due to the sample density and well selection differences (ambient vs targeted), and possibly analytical method differences. Considerable work still needed, such as long term monitoring, as well as trend analysis, which is ongoing. Results in Texas generally below drinking water standards (Maximum Contaminant Level, or MCL). Ms. Fahlquist also identified study areas in Texas, and what the objectives were at these locations. A model of predicted atrazine exceeding the MCL in surface water indicates future study areas would include the area from Dallas to Waco, along the southern Gulf Coast, and a few small areas in the Panhandle.

Ed Baker (Syngenta) questioned the model used to predict future atrazine problem areas for surface water, finding issue with the extrapolation used by the USGS, in that they are indicating a future problem where atrazine isn't even used, and no targeted crops are present in some areas. Ms. Fahlquist agreed that the issue of doing these extrapolations on a national scale requires understanding of the local scales. Mr. Cherepon added that this is similar to what we have experienced in our monitoring, with detects occurring in the high use areas rather than the vulnerable areas.

## **IV. Public Comment**

None

## **V. Announcements**

Mr. Cherepon called attention to a handout notice of the Settlement Agreement between EPA and the NRDC on endangered species, which includes the Barton Springs Salamander, but goes beyond this one issue. Ambrose Charles commented that the determination on the Barton Springs Salamander is scheduled for completion by August.

Mr. Cherepon also called attention to the Texas Association of Resource Conservation and Development Areas conference in Wichita Falls, 4/30-5/3/06, and asked if anyone was familiar with this. No one replied.

The TCEQ Environmental Trade Fair is scheduled for the week of May 9<sup>th</sup> at the Austin Convention Center (handout provided). Joe Peters will be presenting a paper on the Interagency Pesticide Database, and Alan Cherepon will be presenting on groundwater monitoring results reported in the state groundwater quality inventory. There will also be a Texas Groundwater Protection Committee booth at the trade fair, with more details provided in the afternoon meeting.

Janie Hopkins mentioned that the National Ground Water Association Annual Summit will be held in San Antonio the week of 4/24/06 at the Henry B. Gonzales Convention Center. She also said that Robert Mace will be conducting a workshop at the summit.

Ambrose Charles mentioned that the EPA Region 6 Federal/State/Tribal meeting will be held in Albuquerque, New Mexico on 5/3-5/06, and asked if TCEQ was sending someone. Mr. Musick replied that Mr. Cherepon would be representing TCEQ at the meeting.

## **VI. Adjournment**

Recorded and transcribed by Alan Cherepon.

### **Attachments**

TCEQ Groundwater Monitoring Work Plan and SOP for the TAES Laboratory

TCEQ Trade Fair schedule and TGPC booth

EPA Settlement Agreement regarding Endangered Species

## **Addenda**

In their afternoon meeting, the decision was made by the Texas Groundwater Protection Committee that the FY06 fourth quarter meeting of the Agricultural Chemicals Subcommittee will take place on 7/26/06 at 10:30 a.m., in TCEQ Building F, Conference Room 2210. It should be noted that this date is a Wednesday, due to the difficulty in securing a conference room on a Thursday.