

**TEXAS GROUNDWATER PROTECTION COMMITTEE  
GROUNDWATER ISSUES SUBCOMMITTEE  
RECORD OF MEETING**

First Quarter Meeting, Fiscal Year 2016

Meeting Date: October 21, 2015  
Meeting No. 3

Place: TCEQ Campus, Bldg. F  
Room: 2210

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## MEETING ATTENDANCE

### Subcommittee Members

Chris Moore (Co-chair)  
Deba Dutta  
Janie Hopkins  
Linda Ruiz McCall

David Van Dresar  
David Villarreal

### Absent

David Gunn  
TJ Helton  
WCB)  
Kevin Wagner

### Affiliation

Railroad Commission of Texas (RRC)  
Texas Department of State Health Services (TDSHS)  
Texas Water Development Board (TWDB)  
University of Texas Bureau of Economic Geology (UTBEG)  
Texas Alliance of Groundwater Districts (TAGD)  
Texas Department of Agriculture (TDA)  
  
Texas Department of Licensing and Regulation (TDLR)  
Texas State Soil and Water Conservation Board (TSS-  
WCB)  
  
Texas A&M AgriLife Research (AgriLife Research)

### Agency Staff

Cary Betz (TGPC Chair)  
Abiy Berehe  
Faith Hambleton  
Kathy McCormack  
Scott Underwood

### Affiliation      Program

TCEQ	Water Availability Division
TCEQ	Water Availability Division
TCEQ	Water Quality Planning Division
TCEQ	Water Availability Division
TCEQ	Water Availability Division

### Interested Parties

Linzy Brakefield  
Emily Hall

### Affiliation

United States Geological Survey (USGS)  
TDSHS

## MEETING HANDOUTS

1. Groundwater Issues Subcommittee Record of Meeting October 21, 2015
2. Groundwater Issues Subcommittee Agenda January 13, 2016

## **RECORD OF MEETING OCTOBER 21, 2015**

### **1. CALL TO ORDER AND INTRODUCTIONS**

Chris Moore (RRC), Groundwater Issues Subcommittee (GWIS) Co-Chair, called the meeting to order at 10:05 A.M. GWIS members introduced themselves. Cary Betz (TCEQ) reported that David Gunn (TDLR), TJ Helton (TSSWCB), and Kevin Wagner (AgriLife Research) were unable to attend this meeting. Mr. Betz announced that October is National Fire Prevention Month and provided instructions for a fire drill.

### **2. CLOSURE AND CONTINUATION ISSUES**

#### Agricultural Chemicals

Chris Moore (RRC) opened the discussion. Abiy Berehe (TCEQ) reported that Al Cherepon (TCEQ) is attending the EPA/States/Tribes Region 6 Pesticide Programs Meeting today. Mr. Berehe listed Mr. Cherepon's FIFRA updates:

- Completed the FY 2015 cooperative monitoring for atrazine.
- Entered atrazine data and performed QA/QC on the Interagency Pesticide Database (IPD).
- The preliminary FY 2016 scope of work includes continuation of cooperative monitoring with the TWDB for atrazine.
- Revised the QAPP to reflect limited laboratory analyses in FY 2016
- Completed and delivered the end of year report to the EPA.
- Spectrophotometers are due for maintenance and calibrations.
- Syngenta contractor recently requested available atrazine monitoring data from the IPD.

Mr. Moore closed the discussion by consensus.

#### Data Management

Chris Moore (RRC) opened the discussion. Janie Hopkins (TWDB) announced that her agency's new Water Data Interactive (WDI) is available. WDI webinars and presentations have started and more are scheduled. Chris More (RRC) requested a WDI presentation at his agency and Ms. Hopkins replied that they could schedule one.

Linda Ruiz McCall (UTBEG) arrived and introduced herself.

Mr. Moore closed the discussion by consensus.

#### Groundwater Research

Chris Moore (RRC) opened the discussion. Linda Ruiz McCall (UTBEG) reported that ongoing BEG research includes:

- Assessment of brackish water use for hydraulic fracturing; a case study in the Eagle Ford play
- Evaluation of water use for Barnett Shale gas production

- A study on the nature of flow back; water-shale interactions at high temperatures and pressures
- The UTBEG Water & Energy Nexus web page posts completed research, some of which are downloadable PDFs

Mr. Moore closed the discussion by consensus.

### 3. SET FUTURE MEETING DATE

Kathy McCormack (TCEQ) reported that the next meeting is in January 2016. The TGPC will finalize the date later today.

### 4. DISCUSSION OF GROUNDWATER CLASSIFICATION SYSTEM

Chris Moore (RRC) reported that the task force has not scheduled a meeting yet. RRC, TCEQ, TWDB, and TAGD representatives should expect a meeting notification soon.

Cary Betz (TCEQ) reported that TCEQ organizational changes have affected scheduling. Mr. Betz reiterated that both he and former Co-chair Kelly Mills (TCEQ) have taken new positions. Mr. Mills is no longer affiliated with the GWIS and Mr. Betz is looking for a co-chair replacement.

Mr. Moore closed the discussion by consensus.

### 5. DISCUSSION OF CURRENT GROUNDWATER QUALITY ISSUES

Chris Moore (RRC) opened the discussion. Janie Hopkins (TWDB) reported that the EPA called her to ask what the TWDB had done with water quality activities in fracking areas. Ms. Hopkins reported that she and Ed Walker (Winter Garden GCD) suggested TPH analyses for groundwater samples from those areas. The TWDB Public Information Officer instructed Ms. Hopkins to direct the EPA to the RRC for answers about fracking.

David Van Dresar (TAGD) reported an ongoing USGS groundwater quality study in fracking areas. Currently, the USGS is focusing on the Eagle Ford play areas and collecting groundwater samples. The USGS requested well information from the Fayette County GCD. Mr. Moore asked what kind of wells they are sampling. Mr. Van Dresar reported that they are sampling domestic wells located within and beyond one kilometer of an active rig. The USGS is also looking at deeper aquifers like the Carrizo-Wilcox and Queen City. Janie Hopkins (TWDB) asked about the number of active rigs. Mr. Van Dresar responded that there have never been many rigs in Fayette County but now there are many rigs around it. Mr. Van Dresar reported that the USGS only sampled two wells in his GCD.

Cary Betz (TCEQ) asked Linzy Brakefield (USGS) if she was involved and replied she was not but was aware of the project. Ms. Brakefield reported that Patty Ging (USGS Austin) was working on the project. Mr. Van Dresar noted that Ms. Ging was the woman that contacted him. Ms. Brakefield confirmed that the USGS has gridded off the Carrizo-Wilcox and is sampling two wells per grid with assistance from the GCDs.

David Villarreal (TDA) announced that groundwater issues are a number one agenda item with his new commissioner. Dr. Villarreal reported that a recent paper by Charlie Hart (Texas A&M) claims that saltcedar removal does not affect groundwater water levels. The current thinking is that saltcedar removal increases water quantity. Dr. Hart previously advocated saltcedar removal but this paper contradicts that. TDA stakeholders are concerned that saltcedar removal will have a negative effect on water levels. Dr. Villarreal believes the stakeholders are more concerned about water quantity rather than water quality issues hence the TDA's focus on quantity.

Dr. Villarreal reported that the Comptroller Office has received funds to study endangered species. Groundwater quantity and quality for mussels is a concern. If the mussels are listed, TDA rules will be hit first. Other TDA issues include the cattle industry, pharmaceutical waste, groundwater contamination, E. coli and Listeria in Mexican produce.

Mr. Betz reiterated that the TCEQ is very concerned about microbes and contamination in private wells. Mr. Betz recounted that in Sonora, the district sampled 13 private water wells in response to complaints of a sewage smell. The district used an EPA approved method and found E.coli in 11 of 13 wells. Later, the TCEQ collected samples from the same 13 wells but found no E.coli or caffeine. Mr. Betz explained that E. coli sources can be natural or from human waste. Well owners may have shocked their wells between the two sampling events thus skewing the results. If groundwater contamination is from a natural source, the TCEQ has no jurisdiction. The TCEQ did not find contamination and stopped collecting samples even though the district is still sampling and finding E.coli.

Janie Hopkins (TWDB) asked about TCEQ policy on sample collection from private wells. Mr. Betz explained that that the TCEQ's public drinking water program funding is for public wells and not for sampling private wells. However, TWC Chapter 26 Section 128 states that the executive director shall investigate all matters concerning water quality. The TCEQ does not look for contamination in private wells unless there is a known source. If a well owner independently collects a sample and the laboratory detects contamination, then the TCEQ will investigate. Mr. Moore reported that the RRC district office investigates complaints of oil and gas contamination in private wells.

Dr. Villarreal reported that parasites are a big problem these days. From a Homeland Security perspective, the TDA is using E.coli as an indicator but viruses and parasites may go undetected. Failure to detect viruses or parasites could make it easy for a terrorist to infect a water supply. Dr. Villarreal asked if the TDSHS could share their sampling results. Dr. Villarreal reported that the TDA is concerned about contaminated Mexican produce. The Food Monitoring Safety Modernization Act has the TDA looking at groundwater used by the producers.

Mr. Betz reported that the TCEQ is very concerned about contamination from E.coli, viruses, and parasites. However, E.coli screening is cheap but analyzing samples for viruses, other bacteria, and parasites is very expensive.

Deba Dutta (TDSHS) asked if any of the member agencies sample private wells. Mr. Betz responded that TCEQ jurisdiction regarding public wells is clear but not so with private wells.

Public wells have their own set of rules. The TCEQ does not have the funding to investigate every complaint.

Mr. Van Dresar noted that state law says domestic wells are exempt from most GCD rules. A GCD has no jurisdiction over groundwater contamination but the TCEQ will get a call.

Mr. Betz reported the EPA plans to do a private water well inventory in Oklahoma. The EPA has cataloged private wells around Ada and Tulsa and found that 60% of the inventoried wells were not in Oklahoma's database. Historically, EPA projects tend to produce a new rule or guideline. Under the Clean Water Act, the EPA probably has statutory authority to investigate groundwater quality issues. On a national level, the EPA is pushing groundwater quantity issues as well. Mr. Betz noted that before this, he was not aware of an EPA interest in groundwater quantity.

Mr. Moore closed the Groundwater Quality Issues discussion by consensus.

## 6. DISCUSS GENERAL AGENDA CONTENT

Chris Moore (RRC) opened the discussion. David Villarreal (TDA) asked if GWIS could cover water quantity issues and Cary Betz (TCEQ) replied that it could. Mr. Betz reported that they asked the legislature to clarify the TGPC's position regarding quantity issues but they did not offer any insight. The TGPC does have a role in conservation, which implies a groundwater quantity issue, so we can discuss groundwater quantity.

Dr. Villarreal reported that he sits on the Texas Water Conservation Advisory Council (TWCAC) then asked how the GWIS differs from the TWCAC. Mr. Betz responded that a bill from the last legislative session now gives the TWCAC the authority to make recommendations directly to the legislature: they did not have that authority before. Mr. Betz is concerned that dual authority of the TCEQ and TWCAC makes the situation cloudier.

Dr. Villarreal reported that during TWCAC's first meeting, individuals and environmental groups came in hopes of influencing legislation through the council. The TWCAC meeting was well attended, unlike this meeting. The TWCAC has the ability to let NGOs and environmental groups to be part of it. Mr. Betz responded that, in the next session, look for legislation limiting TWCAC's authority. Anybody can attend a TGPC Subcommittee meeting but the main committee is closed by statute.

Dr. Villarreal reported his concerns about non-state agency effects on legislation. How can an agency back a recommendation without lobbying? State agencies are trying to figure out if they should abstain or not have a vote.

Mr. Betz recounted his experience with other stakeholder groups where the State did not want to give the appearance of lobbying so the TCEQ and TDA both abstained. The attorney general decides what constitutes lobbying. State agencies sitting on an advisory group charged with making recommendations to the legislature face the quandary of choosing to get in trouble for lobbying or for not fulfilling a statute.

Mr. Moore summarized that when the GWIS reaches a consensus to recommend, it does not mean that each member agency agrees. Mr. Betz added that the TGPC includes a disclaimer in the annual report to the legislature that says that not all member agencies need to agree.

David Van Dresar (TAGD) reported that there are only 99 entities (GCDs) with the authority to plan and manage quantities of groundwater. Dr. Villarreal asked about areas with no GCD. Mr. Van Dresar replied that groundwater management areas (GMAs) plan for those areas as well.

Dr. Villarreal asked about scheduling guest speaker presentations. Mr. Betz responded that the TDSHS is presenting at the TGPC meeting today. The GWIS can also schedule presentations. Dr. Villarreal reported that he sits on lots of committees and has to decide which meeting he should attend. GWIS members discussed changing meeting times but did not make any. Mr. Betz suggested discussing it further at the main committee meeting.

Mr. Moore closed the General Agenda Content discussion by consensus.

## 7. ANNOUNCEMENTS

Chris Moore (RRC) announced that his agency has rolled out a social media program that includes Twitter and Instagram.

Janie Hopkins (TWDB) announced that her agency added a site for open topic discussion with experts from the TWDB and TNRIS. Ms. Hopkins announced that the ongoing WDI improvements would be completed by the end of February 2016.

Linda Ruiz McCall (UTBEG) announced that the BEG now has a LinkedIn group. LinkedIn is more for the professionals as opposed to the public. The BEG has not started to use social media like Facebook or Twitter.

Mr. Moore closed the Announcements discussion by consensus.

## 8. PUBLIC COMMENT

There was no public comment.

## 9. ADJOURN

Chris Moore (RRC) adjourned the meeting.