

GROUNDWATER ISSUES SUBCOMMITTEE
OF THE
TEXAS GROUNDWATER PROTECTION COMMITTEE
RECORD OF MEETING
Third Quarter Meeting, Fiscal Year 2018

Meeting Date: March 21, 2018
Meeting No.: 13

Place: TCEQ Campus, Bldg F
Room: 2210

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MEETING ATTENDANCE

Subcommittee Members

Kathy McCormack (Co-Chair)
Alan Cherepon
Peter Pope (Co-Chair)
Janie Hopkins
Deba Dutta
David T. Villarreal
T.J. Helton

Sarah Schlessinger
John Tracy
Ken Rainwater
Cindy Loeffler

Agency Staff

Abiy Berehe
Leon Byrd
Beth Hood
Cindy Hooper
Peggy Hunka
Michael Parr

Interested Parties

None

Affiliation

Texas Commission on Environmental Quality (TCEQ)
TCEQ
Railroad Commission of Texas (RRC)
Texas Water Development Board (TWDB)
Texas Department of State Health Service (DSHS)
Texas Department of Agriculture (TDA)
Texas State Soil and Water Conservation Board
(TSSWCB)
Texas Alliance of Groundwater Districts (TAGD)
Texas A&M AgriLife Research (AgriLife Research)
Texas Tech University (TTU)
Texas Parks and Wildlife Department (TPWD)

Affiliation

Program

TCEQ	Water Availability Division
TCEQ	Water Availability Division
TAGD	
TCEQ	Water Availability Division
TCEQ	Water Availability Division
TCEQ	Legal-Environmental Law Division

MEETING HANDOUTS

1. Texas Groundwater Protection Committee (TGPC) Groundwater Issues (GWI) Subcommittee Meeting Agenda, March 21, 2018
2. TGPC GWI Subcommittee Meeting Record, December 13, 2017
3. TGPC Agricultural Chemicals (AgChem) Task Force (TF) Status Report, March 21, 2018
4. Proposed FY 18 Pesticide Monitoring Plan
5. TGPC Publications Status Report, March 21, 2018
6. TGPC *Texas Groundwater Protection Strategy* (“*Strategy*”) Update Task Force (TF) Status Report, March 21, 2018
7. National Ground Water Association (NGWA) *Groundwater and PFAS: State of Knowledge and Practice*, 2017 (pages 1 – 3, only), <http://www.ngwa.org/Media-Center/news/Pages/Groundwater-and-PFAS-State-of-Knowledge.aspx>
8. Interstate Technology and Regulatory Council (ITRC) PFAS Fact Sheets webpage (<https://pfas-1.itrcweb.org/fact-sheets/>)
9. Proposed *Texas Groundwater Protection Strategy* update
10. email template to TGPC member management regarding the proposed *Strategy* update
11. TCEQ management concurrence letter template regarding the proposed *Strategy* update

The following item was also on display on the handout table:

1. TGPC Public Information Act Policy

MEETING RECORD OF MARCH 21, 2018

1. CALL TO ORDER AND INTRODUCTIONS

Peter Pope (RRC), Co-Chair of the TGPC GWI Subcommittee, called the meeting to order at approximately 9:39 AM CDT. GWI Subcommittee members were introduced. The representatives from the Bureau of Economic Geology of The University of Texas at Austin (UTBEG), Texas Department of Licensing and Regulation (TDLR), United States Geological Survey (USGS), and Texas A&M AgriLife Extension Service (AgriLife Extension) were not present at the meeting. The representative from TPWD was not present at the beginning of the meeting. Janie Hopkins (TWDB) noted an error in the previous meeting minutes concerning the major aquifers that they would be sampling in 2018, and these minutes were updated after the meeting.

Cindy Loeffler (TPWD) arrived at approximately 9:40 AM CDT and was present for the remainder of the meeting.

2. STATUS REPORTS

Agricultural Chemicals Task Force

Alan Cherepon (TCEQ) reported on the Agricultural Chemicals Task Force:

- There had been one Agricultural Chemicals Task Force meeting (via email, phone, or in person) since the last GWI Subcommittee meeting.
- The Middle-Of-Year report was being reviewed and would be emailed and sent to U.S. Environmental Protection Agency (EPA) Region 6 in Dallas as soon as approved for delivery (the target date was April 1, 2018).
- The proposed FY2018 pesticide monitoring plan required modification and included the following tasks:
 - Continue with cooperative pesticide monitoring with TWDB, primarily for atrazine and possibly 2,4-D and glyphosate; this year, TWDB would be sampling in the Carrizo-Wilcox Aquifer and several minor aquifers, and a total of 150 samples were anticipated; and,
 - Shallow water wells would be sampled for atrazine and related pesticides used on corn and sorghum cropland areas from Williamson to Ellis Counties, primarily east of I-35. This area had not been previously monitored by TCEQ and was close enough to TCEQ's main office to limit travel expenses. An urban metropolitan area with sufficient water wells to sample for some previously un-monitored urban pesticides would not actually be monitored, after all, because the laboratory could not accommodate the analyses, and a cluster of Resource Conservation and Recovery Act (RCRA) and Superfund pesticide-related sites could not be identified in order to collect samples from nearby private water wells.
- TCEQ monitoring was not scheduled to begin until late spring/early summer 2018, while Cooperative monitoring was scheduled to begin sometime in April 2018.
- The 2017 Cooperative and on-going monitoring results had been entered into the Interagency Pesticide Database (IPD) and had been sent to the U.S. EPA and Region 6 U.S. EPA.

- The 12/14/16 to 9/20/17 USGS data had been quality checked and entered into the IPD; this included 64 wells (27 new), 69 new samples, and 15,377 analytes.

Alan Cherepon (TCEQ) concluded the discussion by referencing the Proposed FY 18 Pesticide Monitoring Plan in the handout package.

TGPC Publications

Abiy Berehe (TCEQ) reported on the following TGPC publications:

- Groundwater Assessment for the *2018 Texas Integrated Report for Clean Water Act Sections 305(b) and 303(d)* (“*Texas Integrated Report*”):
 - The 2018 report preparation was underway and anticipated to be completed by April 1, 2018.
- *Joint Groundwater Monitoring and Contamination Report – 2017* (“*Joint Report*”, TCEQ publication SFR-056):
 - Staff were working on the 2017 *Joint Report* and it would be completed by June 2018.
- *Activities and Recommendations of the Texas Groundwater Protection Committee: Report to the 86th Legislature* (“*Legislative Report*”, TCEQ publication SFR-047)
 - The Legislative Report Subcommittee was activated to work on the referenced report on January 10, 2018, there had been one Legislative Report Subcommittee meeting since the last GWI Subcommittee meeting, and the next Legislative Report Subcommittee meeting was scheduled for April 18, 2018;
 - The Legislative Report Subcommittee had started working on the draft report and its recommendations to the 86th Legislature, and the draft report would be presented at the July 2018 TGPC meeting; with TGPC approval, the final draft report would then be routed for upper management review and concurrence; and,
 - It was planned that the final report would be distributed to the Legislature in December 2018 before the session begins in January 2019.
- *Texas Groundwater Protection Strategy* (“*Strategy*”, TCEQ publication AS-188):
 - There had been two *Strategy* Update Task Force meetings since the last GWI Subcommittee meeting; the final draft was to be reviewed, and possibly approved, at that GWI Subcommittee meeting.

Texas Groundwater Protection Strategy Update Task Force

Kathy McCormack (TCEQ) reported on the *Strategy* Update Task Force:

- The *Strategy* Update Task Force had met on December 21, 2017 and discussed the revised draft;
- The *Strategy* Update Task Force had met on February 21, 2018 and reviewed the proof from TCEQ Agency Communications; and,
- As requested by the *Strategy* Update Task Force, TCEQ Agency Communications made three minor changes to the proof resulting in the final draft to be reviewed at that GWI Subcommittee meeting.

3. SET FUTURE MEETING DATE

The next TGPC GWI Subcommittee meeting was scheduled for Wednesday, June 13, 2018, at 9:30 AM CDT, in TCEQ's Building F, Conference Room 2210.

4. DISCUSS CURRENT GROUNDWATER ISSUES

Water Supply Enhancement Program

There was no discussion of this topic at the meeting.

Hydraulic Fracturing

There was no discussion of this topic at the meeting.

Emerging Contaminants

Kathy McCormack (TCEQ) referred members to the first three pages of the recent NGWA *Groundwater and PFAS: State of Knowledge and Practice* report that was in the handout package.

Deba Dutta (DSHS) referred members to the ITRC PFAS Fact Sheets webpage that was in the handout package. Three new fact sheets had recently been released:

- Environmental Fate and Transport;
- Site Characterization Considerations, Sampling Precautions, and Laboratory Analytical Methods; and,
- Remediation Technologies and Methods.

Six ITRC PFAS fact sheets were now available. The last ITRC PFAS fact sheet on Aqueous Film Forming Foam was scheduled to be published in August 2018.

Kathy McCormack (TCEQ) noted a recent news article about 19 private drinking water wells and one public water well at the former Reese Air Force Base in Lubbock County that were contaminated with perfluorinated compounds. Although the Air Force was currently providing bottled water to affected well owners, Ken Rainwater (TTU) indicated that the City of Lubbock would be providing a clean drinking water line to affected homes.

David Villarreal (TDA) reported that there were several new pesticides being investigated under experimental use permits for feral hogs and invasive species in surface water applications.

Alan Cherepon (TCEQ) asked about chlorination disinfection by-products; perhaps this issue would be added to the next GWI Subcommittee *Activity Plan*.

Saline Groundwater Trends and Impacts in Texas

There was no discussion of this topic at the meeting.

Agricultural Chemicals

There was no additional discussion of this topic at the meeting.

Border Groundwater

John Tracy (AgriLife Research) reported that:

- Federal funding for the Transboundary Aquifer Assessment Program (<https://wrrc.arizona.edu/TAAP>) should be approved;
- The *International Law of Transboundary Groundwater Resources* book (https://www.barnesandnoble.com/w/the-international-law-of-transboundary-groundwater-resources-gabriel-eckstein/1122551411?ean=9781138842991&st=PLA&sid=BNB_DRS_New+Core+Shopping+Books_00000000&2sid=Google_&sourceId=PLGoP164972&gclid=EAIaIQobChMIxei1qLaA2gIVFXdeCh1crQToEAQYASABegJHu_D_BwE) by Gabriel Eckstein had recently been published;
- A book review by Rosario Sanchez of the *International Law of Transboundary Groundwater Resources* had recently been published (<https://journals.tdl.org/twj/index.php/twj/article/view/7076/pdf>);
- They had received 60 abstracts for their transboundary conference on July 9 – 11, 2018 in Fort Worth, but only two of them were related to groundwater quality; and,
- They hoped to publish a resource paper with Lessons Learned from the conference (covering, for example, intrastate to international issues, science, ecological services, management and governance structures, etc.).

Aquifer Storage and Recovery

Kathy McCormack (TCEQ) reported that UTBEG had indicated that there were still many questions to be answered before they would be ready to start working on their Aquifer Storage and Recovery (ASR) white paper for the GWI Subcommittee. They also suggested that TWDB should be involved with the white paper because the TWDB Innovative Water group was active in ASR projects relating to the State Water Plan.

Cindy Loeffler (TPWD) noted that the Edwards Aquifer Habitat Conservation Plan (HCP) had some ASR aspects (http://www.eahcp.org/index.php/flow_protection/asr) and that there was an “ASR for Texas” conference on April 12, 2018 in Austin.

John Tracy (AgriLife Research) remarked that the U.S. Department of the Interior (DOI) Bureau of Reclamation had a High Plains States Groundwater Recharge Demonstration Program Project (<https://www.usbr.gov/projects/index.php?id=520>).

Sarah Schlessinger (TAGD) added that the Barton Springs / Edwards Aquifer Conservation District (BSEACD) had a managed recharge program (e.g., <http://bseacd.org/2017/09/status-report-for-aquifer-storage-and-recovery-pilot-project-ruby-ranch-water-supply-corporation-hays-county-central-texas/>).

Abandoned Water Wells

Sarah Schlessinger (TAGD) reported that, while a similar bill was vetoed at the last legislative session, the Texas House Committee on Natural Resources now had an Interim Charge to “Study the hazards presented by abandoned and deteriorated groundwater wells, and make recommendations to address the contamination and other concerns these wells may represent.” Sarah Schlessinger noted that the Bandera River Authority and Conservation District already had the authority to plug an abandoned or deteriorated water wells without a water well driller license.

Failing Septic Systems

There was no discussion of this topic at the meeting.

Others

Cindy Loeffler (TPWD) reported that the Texas Hornshell (*Popenaias popeii*) freshwater mussel was recently listed by the U.S. DOI Fish and Wildlife Service (FWS) as endangered, and that there would be a CPA Freshwater Mussel Working Group meeting on April 3, 2018 in Austin. Examples of the implications of an Endangered Species Act (ESA) listing include:

- The Edwards Aquifer HCP was created in response to lawsuits which ultimately led to the Edwards Aquifer Authority working with U.S. FWS on an incidental take permit so that they could continue their activities;
- The BSEACD wanted to proactively pursue an incidental take permit in their HCP which is now before U.S. FWS for approval; and,
- Alternatively, a Candidate Conservation Agreement between potentially affected parties and U.S. FWS can provide some assurances about the impacts of ESA listing.

Kathy McCormack (TCEQ) added that a “Multiple freshwater mussel species of the Brazos River, Colorado River, and Guadalupe River basins” final report had recently been issued by the Texas Comptroller of Public Accounts (CPA).

The GWI Subcommittee took a meeting break at approximately 10:39 – 10:45 AM CDT. A quorum of designated TGPC representatives/alternates was present at the meeting and they were reminded not to discuss TGPC business during the break.

5. BUSINESS DISCUSSION AND POSSIBLE ACTION

Draft *Texas Groundwater Protection Strategy* Update

Peter Pope (RRC) presented the final draft of the proposed *Strategy* update. David Villarreal (TDA) proposed, Sarah Schlessinger (TAGD) seconded, and all remaining members approved the proposed *Strategy* update. The proposed *Strategy* update would be presented to the TGPC for approval at their April 18, 2018 meeting.

Kathy McCormack (TCEQ) reviewed two additional items in the handout package regarding the proposed *Strategy* update: an email template to TGPC member management and a TCEQ management concurrence letter template. Both of these files would be sent to TGPC members after the meeting; they could be edited as needed for their management and the required communication procedures at their agency or organization. These Word files had been requested by those that needed to get started early in order to meet the anticipated June 1st deadline for the management concurrence letter.

Deactivate *Texas Groundwater Protection Strategy* Update Task Force

Peter Pope (RRC) proposed, David Villarreal (TDA) seconded, and all remaining members approved the deactivation of the *Strategy* Update Task Force.

Draft *How is Groundwater Quality Affected by Failing On-site Sewage Facilities (OSSFs) ?* White Paper Outline

Kathy McCormack (TCEQ) reported that Anish Jantrania (AgriLife Extension) had indicated that he would provide a draft *How is Groundwater Quality Affected by Failing On-site Sewage Facilities (OSSFs) ?* white paper at the next meeting.

Initial Discussion of White Papers Under Development

In order to help with the development of their white paper, Deba Dutta (DSHS) reported that they may give a presentation related to the health impacts of Per- and Polyfluoroalkyl Substances (PFAS) at a future meeting.

John Tracy (AgriLife Research) reported that they would be working on the Border Groundwater white paper this summer.

6. ANNOUNCEMENTS

Peter Pope (RRC) announced that the Northwest Environmental Training Center (NWETC, <https://www.nwetc.org/>) would be offering an Emerging Contaminants Workshop (<https://www.nwetc.org/course-catalog/chem-410-sept-13-2018>) on September 13, 2018 in Austin.

Sarah Schlessinger (TAGD) announced their 2018 Texas Groundwater Summit on August 28 – 30, 2018 in San Antonio.

Janie Hopkins (TWDB) announced that:

- John Dupnik was their new Deputy Executive Administrator for Water Science and Conservation;
- Brooke Paup was their new Board member; and,
- Peter Lake was their new Board Chairman.

Deba Dutta (DSHS) noted that the week before the meeting had been the annual National Groundwater Awareness Week.

7. PUBLIC COMMENT

There was no public comment at the meeting.

8. ADJOURN

Peter Pope (RRC) adjourned the meeting at approximately 11:26 AM CDT.