

TEXAS GROUNDWATER PROTECTION COMMITTEE
RECORD OF MEETING
 First Quarterly Meeting, Fiscal Year 2008

Meeting Date: October 3, 2007
 Meeting No.: 74

Place: TCEQ Campus, Bldg F
 Room: 2210

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MEETING ATTENDANCE

Committee Members

Cary Betz

Robert Mace
Ken Ofunrein
Ambrose Charles
Richard Egg

Barry Miller
C. Allan Jones
J.P. Nicot

David Gunn

Affiliation

Texas Commission on Environmental Quality (TCEQ)
Texas Water Development Board (TWDB)
Department of State Health Services (DSHS)
Texas Department of Agriculture (TDA)
Texas State Soil and Water Conservation Board (TSSWCB)
Texas Alliance of Groundwater Districts (TAGD)
Texas Agricultural Experiment Station (TAES)
University of Texas Bureau of Economic Geology (UTBEG)
Texas Department of Licensing and Regulation (TDLR)

Agency Staff

Leon Byrd
Alan Cherepon
Laurie Curra
Peggy Hunka
Kathy McCormack
Kelly Mills
Joe Peters
John Williams
Richard Eyster
David Villarreal
Bruce Lesikar
Janie Hopkins

Affiliation

Program

TCEQ Water Supply Division
TCEQ Water Supply Division
TCEQ Monitoring Operations Division
TCEQ Water Supply Division
TCEQ Water Supply Division
TCEQ Water Supply Division
TCEQ Water Supply Division
TCEQ Environmental Law Division
TDA
TDA
Texas Cooperative Extension (TCE)
TWDB

Interested Parties

Jim O'Connor
Brian Lillibridge
Tyson Broad
Denise Gentsch
Jason Skaggs
Ann Ardis

Affiliation

San Antonio Water System (SAWS)
SAWS
Sierra Club, Lone Star Chapter
Syngenta
Texas & Southwestern Cattle Raisers Association
United States Geological Survey (USGS)

MEETING HANDOUTS

1. Agenda for Texas Groundwater Protection Committee meeting on October 3, 2007
2. Record for Texas Groundwater Protection Committee meeting on August 8, 2007
3. Summary of Texas Groundwater Protection Committee (TGPC) Public Outreach and Education (POE) Subcommittee Meeting on September 26, 2007
4. TGPC POE Groundwater Educational Outreach Plan Implementation Strategy, October 3, 2007
5. Capping of Water Wells for Future Use (TCE publication L-5490, <http://tcebookstore.org/pubinfo.cfm?pubid=2466>)
6. On-site Wastewater Treatment Systems: Understanding and Maintaining your Septic System (TCE publication L-5491, <http://tcebookstore.org/pubinfo.cfm?pubid=2481>)
7. Gantt charts for TGPC Overall Planning, *Texas Groundwater Protection Strategy*, Groundwater Monitoring Plan, and TGPC Legislative Report
8. Excerpts from Texas Groundwater Protection Committee Meeting Minutes Related to the *Texas Groundwater Protection Strategy* and Implementation Issues
9. TCEQ Rule Projects
10. 2007-2008 Water-related Conferences in Texas

MEETING RECORD OF OCTOBER 3, 2007

1. CALL TO ORDER AND INTRODUCTIONS

Robert Mace (TWDB), Designated Vice Chair of the Texas Groundwater Protection Committee (TGPC), called the meeting to order at approximately 1:01 PM CST.

2. SUBCOMMITTEE REPORTS

Agricultural Chemicals

Joe Peters (TCEQ) reported that the Agricultural Chemicals Subcommittee met that morning and that he served as Acting Chair.

Janie Hopkins (TWDB) reported for the Site Selection Task Force that TWDB had completed their round of monitoring for the year in the Trinity and Edwards-Trinity aquifers. Janie Hopkins also provided information on some of TWDB's future monitoring plans.

Bruce Lesikar (TCE) reported for the Educational Task Force that TCE had participated in one Master Gardener class in Hale County, and that, with input from the Public Outreach and Education Subcommittee, was well along in the process of completing a trifold brochure entitled *Best Management Practices to Prevent Pesticide Contamination of Water Resources*.

There was a summary presentation by Al Cherepon (TCEQ) on TCEQ's 2007 groundwater monitoring:

- All of the cooperative monitoring samples were analyzed for atrazine by immunoassay (IA), and a few samples were analyzed for metolachlor. There were no unusual results compared to data from previous years.
- TCEQ conducted its annual sampling trip to the Panhandle, and all of these samples were analyzed for atrazine by IA, with a subset sent to the Lower Colorado River Authority (LCRA) lab for analysis by Method 525, a drinking water method, and Method 8141, a wastewater method. There were no unusual results compared to data from previous years.
- New monitoring this year included some urban samples (22 wells and four springs in Austin, and 27 wells and seven Points of Entry (POEs) in San Antonio) – these samples were analyzed by IA for atrazine, chlorpyrifos, pyrethroids, diazinon, organophosphates, and carbamates. Only trace amounts of atrazine and diazinon (well below the Maximum Contaminant Level (MCL)) were detected in a few samples.

Under Business Items, the re-tasked Pesticide Management Task Force, Co-Chaired by Al Cherepon (TCEQ) and David Villarreal (TDA), reported on their efforts to develop a set of criteria for the selection of Pesticides of Interest (POIs) and, based on this criteria, to determine an initial list of POIs.

Criteria for the selection of POIs:

- Registered in Texas (with the exception of some legacy pesticides);
- High usage in Texas;
- Characteristics such as leachability and solubility;
- Potentially harmful to human health or environment;
- Already being monitored; and,
- Have approached or exceeded their benchmarks.

Initial list of POIs:

- Atrazine
- Atrazine DEA
- Atrazine DIA
- Chlorpyrifos
- Malathion
- Diazinon
- Azinphos Methyl
- Alachlor
- Metolachlor
- Simazine
- 2,4-D
- Prometon
- Propazine

Ambrose Charles (TDA) reported that the former Texas Structural Pest Control Board was now fully incorporated into TDA as the Structural Pest Control Service (<http://www.tda.state.tx.us/spcs/>).

Data Management

Cary Betz (TCEQ) reported that the Data Management Subcommittee had met once since the last TGPC meeting and had worked on a timeline for completion of the Groundwater Monitoring Plan. Although the contract with Geotechnical Research Institute (GTRI) expired on August 31, 2007, a final work product has been received which will be used with prior deliverables from USGS in order to craft a Groundwater Monitoring Plan. This Plan will be presented to the TGPC in May 2008 for their consideration.

The next Data Management Subcommittee meeting is scheduled for October 22, 2007.

Public Outreach and Education

Bruce Lesikar (TCE) reported that the POE Subcommittee last met on September 26, 2007 and four agencies and organizations were represented.

The updates in the final draft of the *Groundwater Educational Outreach Plan – Implementation Strategy* were reviewed. All POE Subcommittee members in attendance

voted to approve the final draft of the *Implementation Strategy*, as amended (based on several suggestions during the meeting), and recommended that it be submitted to the TGPC for consideration at their next meeting. This working document will be subject to continued refinement as the members make progress on various Specific Activities.

Status reports were given for:

- Recent and upcoming outreach events (http://www.tgpc.state.tx.us/subcommittees/POE/WellScreening_Closure_TGPCboothEvents26Sep2007.pdf) related to:
 - TCE Water Well Screening Events
 - Six since the previous POE Subcommittee meeting (726 samples)
 - Three planned through January 2008
 - TCE Abandoned Water Well Closures
 - One since the previous POE Subcommittee meeting (20 attendees)
 - None planned at this time
 - TGPC Booth
 - Two since the previous POE Subcommittee meeting (79 attendees)
 - One planned through December 2007
- Drinking Water and On-Site Sewage Facility (OSSF) Fact Sheets
 - TCE publication L-5490, *Capping of Water Wells for Future Use*, has been published and is available at <http://tcebookstore.org/pubinfo.cfm?pubid=2466>
 - TCE publication L-5491, *On-site Wastewater Treatment Systems: Understanding and Maintaining your Septic System*, has been published and is available at <http://tcebookstore.org/pubinfo.cfm?pubid=2481>

The POE Subcommittee performed a preliminary review of TGPC website activity since the previous POE Subcommittee meeting. A website activity statistics option was included in the Fiscal Year 2008 website hosting contract, and additional review of the data (e.g., number of unique visitors, page views, and file downloads) is needed in order to better understand the TGPC website's outreach effectiveness.

The next POE Subcommittee meeting is scheduled for December 18, 2007.

Groundwater Research

J.P. Nicot (UTBEG) reported that the Groundwater Research Subcommittee met that morning and several topics were discussed:

- Potential funding sources:
 - Coastal Impact Assistance Program (<http://www.glo.state.tx.us/coastal/ciap/>, <http://www.mms.gov/offshore/CIAPmain.htm>);
 - Transboundary Aquifer Project (a joint project coordinated by USGS between universities in Arizona, New Mexico, Texas, and Mexico); and,
 - For studies of water use in the Barnett Shale, especially the use of reject water, perhaps from some of the oil and gas producers.
- Another project on water quality in the Ogallala aquifer, possibly with USGS.

- The status of three white papers, and planning for a fourth white paper on the Edwards aquifer with USGS as the lead author.

Nonpoint Source Task Force

Discussion of this topic was deferred to Item 4 of the TGPC meeting agenda (Business Discussion and Possible Action).

3. PRESENTATIONS

Central Texas Priority Groundwater Management Area Update Study for the Trinity Aquifer – Texas Commission on Environmental Quality

Leon Byrd (TCEQ) gave a presentation on a recently completed TCEQ Priority Groundwater Management Area (PGMA) update study for the North-Central Texas–Trinity and Woodbine Aquifers – (Dallas-Ft. Worth) and a Priority Groundwater Management Area (PGMA) update study for the Central Texas – Trinity Aquifer – (Waco) Draft Updated Evaluation.

TCEQ released the North-Central Texas draft report on December 14, 2006 and the written comment period ended April 30, 2007. The draft recommendations include the designation of 13 out of 20 counties as a PGMA with regional Groundwater Conservation District (GCD) management.

TCEQ released the Central Texas draft report on April 18, 2007 and the written comment period ended July 31, 2007. The draft recommendations include the designation of five out of 16 counties as a PGMA with regional GCD management.

See http://www.tceq.state.tx.us/permitting/water_supply/groundwater/pgma.html for details.

Leon Byrd (TCEQ) asked whether the 80th Legislature’s three newly-created GCDs within the Central Texas PGMA could participate in discussion of, and vote on, Desired Future Conditions (http://www.twdb.state.tx.us/GwRD/pdfdocs/03-1_mace.pdf) prior to their confirmation by voters. Robert Mace (TWDB) responded that TWDB attorneys had indicated that these three newly-created GCDs would indeed be able to participate in discussion of, and vote on, Desired Future Conditions.

4. BUSINESS DISCUSSION AND POSSIBLE ACTION

Subcommittee Chairs, Public Information Officer, Web Contact – Discuss Personnel Assignments

TGPC members agreed to name Joe Peters (TCEQ) as the Acting Chair of the Agricultural Chemicals Subcommittee and to name Cary Betz (TCEQ) as the TGPC’s Acting Public Information Officer.

Richard Egg (TSSWCB) proposed, C. Allan Jones (TAES) seconded, and all TGPC members in attendance voted to name Kathy McCormack (TCEQ) as Co-Chair of TGPC Public Outreach and Education (POE) Subcommittee.

After the meeting, the TGPC's Legal Advisor, John Williams (TCEQ), indicated that it will be sufficient to list just the agency names of the Chairs and Co-Chairs in the Subcommittee Charges (i.e., the names of specific individuals are not required).

Barry Miller (TAGD) proposed, David Gunn (TDLR) seconded, and all TGPC members in attendance voted to discontinue hard copy mailout of TGPC meeting notices to Committee members and use GovDelivery's email notification subscription service, only.

Nonpoint Source Task Force – Discuss Activities of the Task Force and Future Status

Laurie Curra (TCEQ) provided some background and perspective on the Texas Nonpoint Source (NPS) Water Pollution Management Program (<http://www.tceq.state.tx.us/compliance/monitoring/nps/mgmt-plan/index.html>, <http://www.tsswcb.state.tx.us/managementprogram>) which is jointly administered by TCEQ and TSSWCB. Laurie Curra requested that the TGPC contribute to:

- The next NPS Annual Report (<http://www.tceq.state.tx.us/compliance/monitoring/nps/mgmt-plan/annual-reports.html>);
- The plan that is published once every five years called the NPS Management Program (http://www.tceq.state.tx.us/comm_exec/forms_pubs/pubs/sfr/068-04_index.html); and,
- The on-going Texas NPS Water Pollution Management Program with its associated grants and projects.

Robert Mace (TWDB) proposed, Ambrose Charles (TDA) seconded, and all TGPC members in attendance voted to:

- Rename the NPS Task Force (TF) as the NPS Management Plan TF;
- Deactivate and re-activate the NPS Management Plan TF as needed (similar to the Legislative Report Subcommittee) in order to contribute to the plan that is published once every five years called the NPS Management Program;
- Update the Charge of the NPS Management Plan TF to reflect the above changes and present this updated Charge at the next TGPC meeting;
- Add NPS Pollution to Item 5 of the TGPC meeting agenda (Information Exchange for Groundwater-Related Activities);
- Charge the Groundwater Research and POE Subcommittees with meeting annually with the TCEQ/TSSWCB NPS teams (possibly in the late spring or early summer) in order to share information, discuss NPS projects, and facilitate NPS grant proposals by TGPC member agencies; and,
- Designate TCEQ staff as a liaison to TCEQ/TSSWCB NPS teams.

TGPC members also agreed to update the Charges of the Groundwater Research and POE Subcommittees to include the annual NPS meeting, and to present these updated Subcommittee Charges at the next TGPC meeting.

Texas Groundwater Protection Strategy – Continue discussion of plans for updating the Texas Groundwater Protection Strategy

Cary Betz (TCEQ) referenced a summary of excerpts from TGPC meeting minutes related to the *Texas Groundwater Protection Strategy*

(http://www.tceq.state.tx.us/assets/public/comm_exec/pubs/as/188.pdf) and its implementation issues, as well as several Gantt charts with suggested timetables for preparing and publishing:

- The Groundwater Monitoring Plan – target date May 15, 2008;
- The revised *Strategy* – target date January 9, 2009; and,
- The TGPC Report to the 81st Legislature – target date January 9, 2009.

Based on these target dates and the staff available to complete these deliverables, the TGPC agreed to hold a special Work Session in order to begin revising the *Strategy* on November 7, 2007.

Set Future Meeting Dates

The next TGPC meeting is scheduled for January 16, 2008 at 1:00 PM CDT.

5. INFORMATION EXCHANGE FOR GROUNDWATER-RELATED ACTIVITIES – STATUS UPDATE

Water Quality Inventory (305(b)) Report

Cary Betz (TCEQ) did not have any new information on this topic.

Groundwater Contamination Notice Coordination (HB 3030, 78th Legislature)

Peggy Hunka (TCEQ) reported that six new groundwater contamination cases were discussed at TCEQ's bi-monthly Impact Evaluation Team (IET) meetings since the last TGPC meeting, resulting in the mailing of 12 letters to private drinking water well owners. In addition, a previously discussed case required the mailing of an additional 16 letters to nearby private drinking water well owners due to an updated water well search.

Groundwater Management Areas – Texas Water Development Board, Texas Alliance of Groundwater Districts

Robert Mace (TWDB) reported that 6 – 8 Groundwater Management Areas (GMAs) plan to submit Desired Future Conditions by the end of 2007, and that TWDB is assisting various Groundwater Conservation Districts (GCDs) with their Groundwater Availability Models (GAMs) in order to help them assess and draft their Desired Future Conditions.

TWDB is also working on revising rules that describe the Desired Future Conditions petition process in greater detail.

Barry Miller (TAGD) reported that, due to the assistance of some graduate students, GMA 9 is making outstanding progress and has almost completed its work.

Regional Water Planning – Texas Water Development Board

Robert Mace (TWDB) reported that the next round of regional water planning is moving forward with its contracts.

Groundwater Availability Modeling – Texas Water Development Board

Robert Mace (TWDB) reported that they are completing their existing contracts and projects, and they are in the middle of negotiating the next round of projects with a goal of completing the minor aquifers by 2010. TWDB has also initiated work on enhancing existing models of the major aquifers.

National Groundwater Initiatives – All Agencies

Cary Betz (TCEQ) reported that the U.S. Department of the Interior's Advisory Committee on Water Information (<http://acwi.gov/>) Groundwater Subcommittee (<http://acwi.gov/sogw/index.html>) continues its efforts to include groundwater quantity and quality aspects in their national monitoring plan. Work thus far has been focused on the USGS principle aquifers (<http://www-atlas.usgs.gov/mld/aquifrp.html>), of which there are only four in Texas (vs. the 30 major and minor aquifers that TGPC member agencies recognize as being vital for public water supplies), but there are efforts to direct the Subcommittee's focus toward the USGS Groundwater Atlas (<http://capp.water.usgs.gov/gwa/>) which includes more detailed descriptions of the varied and distinct aquifers in Texas. The President's Office of Science and Technology Policy (<http://www.ostp.gov/>) expects that major groundwater legislation will be promoted during this congressional year.

Cary Betz (TCEQ) also reported that he attended the Ground Water Protection Council's 2007 Annual Forum and one of the major topics was carbon dioxide sequestration. US Environmental Protection Agency (EPA) does not expect to have rules ready for carbon dioxide sequestration until 2012, but several private consultants are already working on this. A decision on the FutureGen project (<http://www.fossil.energy.gov/programs/powersystems/futuregen/>, <http://www.beg.utexas.edu/environqlty/co201.htm>) may be made by November 2007. The other major topic at this meeting was the Clean Water Restoration Act (<http://www.govtrack.us/congress/billtext.xpd?bill=h110-2421>) which would attempt to change wording in the Clean Water Act to specifically include water bodies such as wetlands, playa lakes, etc. as "waters of the United States", and some groups are lobbying to include groundwater in that definition. This may require documentation of groundwater quality standards at the state level.

Robert Mace (TWDB) reported that USGS is working on some national groundwater availability models and they would soon focus on the Ogallala aquifer.

6. ANNOUNCEMENTS

Rules Update

Robert Mace (TWDB) reported that TWDB is working with TCEQ on rules regarding the sharing of groundwater pumping test data between the agencies and with local GCDs, as well as general permits for the disposal of concentrates from desalination plants. In addition, TWDB will publish draft rules regarding the petition process for Desired Future Conditions by October 17, 2007 followed by a public comment period and hearing.

Cary Betz (TCEQ) distributed a summary of current TCEQ rulemaking that was of interest to the Committee:

- Pending Proposals (19)
 - HB 3554: Regulation and remediation of underground and aboveground storage tanks using risk-based corrective action
 - HB 3 / SB 3: Environmental Flow Standards
 - SB 3 / HB 4, HB 1391 / HB 1717: Standards for Rainwater Harvesting, Public Safety Standards
 - SB 662: Groundwater Availability for Platting
 - HB 2541: MSW Recycling Facilities & Response/Remediation for Solid Waste
 - HB 1457, HB 1719: Disposal & Storage of Carcasses
 - HB 3554, HB 1956: Regulation, Remediation, and Financial Assurance of AST's and UST's
 - HB 3220: Dry Cleaner Regulation and Remediation
 - SB 1037: Evaporation Pits
 - HB 3098: Edwards Aquifer Fees
 - HB 2654: UIC Class I Non-hazardous Rules for Water Treatment Residuals
 - HB 3838: In Situ Uranium Mining / SB 1604: Phase II
 - SB 1604: Uranium Mining and Radioactive Waste (Phase 1)
 - HB 4, SB 3: Water Conservation Plan Review
 - Hazardous Household Waste Rules Revisions
 - Texas Surface Water Quality Standards
 - MSW Revisions to Chapter 305 & 330
 - Repeal of 30 TAC Ch 317 and Proposal of 30 TAC Ch 217, Design Criteria for Sewerage Systems
 - Penalty Payments – Installment Plans
- Proposals (0)
- Pending Adoptions (3)
 - SB 1604: Uranium Mining and Radioactive Waste (Phase 1)
 - HB 4, SB 3: Water Conservation Plan Review
 - EPA Public Drinking Water Stage 2 Project
- Adoptions (0)

Additional information on a specific rule can be found at http://www.tceq.state.tx.us/nav/rules/propose_adopt.html.

New Publications

Cary Betz (TCEQ) reported on the following new TCEQ publications in August and September:

- Take Care of Texas tip poster (GI-371, http://www.tceq.state.tx.us/comm_exec/forms_pubs/pubs/gi/gi-371.html)
- Golden Alga in Texas (GI-378, http://www.tceq.state.tx.us/comm_exec/forms_pubs/pubs/gi/gi-378.html)
- Optional Enhanced Measures for the Protection of Water Quality in the Edwards Aquifer and Related Karst Features that May Be Habitat for Karst Dwelling Invertebrates - An Appendix to RG-348 (RG-348b, http://www.tceq.state.tx.us/comm_exec/forms_pubs/pubs/rg/rg-348/rg-348b.html)

David Gunn (TDLR) reported that National Ground Water Association (NGWA) will be publishing the third edition of *Groundwater and Wells* in December 2007 (1-800-397-6110).

Upcoming Conferences

David Gunn (TDLR) announced that there would be a Driller's Advisory Board meeting on October 8, 2007.

Robert Mace (TWDB) announced that TWDB will be hosting Water Summit 2007 on December 2 – 4, 2007 (<http://www.twdb.state.tx.us/about/watersummit/index.htm>) in celebration of its 50th Anniversary. National and international experts on water will speak on a range of subjects related to surface water and groundwater.

Robert Mace (TWDB) also reported that TWDB Groundwater Resources Division hosted a Groundwater 101 Workshop for GCDs on August 27 – 28, 2007. TWDB plans to offer this workshop on an annual basis.

Details on additional upcoming conferences were listed in one of the handouts.

7. PUBLIC COMMENT

There was no public comment.

8. ADJOURN

Robert Mace (TWDB) adjourned the meeting at approximately 2:54 PM CST.