

TEXAS GROUNDWATER PROTECTION COMMITTEE
RECORD OF MEETING
Special Work Session

Meeting Date: November 7, 2007
Meeting No.: 75

Place: TCEQ Campus, Bldg B
Room: 201A

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MEETING ATTENDANCE

Committee Members

Cary Betz

Janie Hopkins

Leslie Savage

Richard Eyster

Richard Egg

C. Allan Jones

Affiliation

Texas Commission on Environmental Quality (TCEQ)

Texas Water Development Board (TWDB)

Railroad Commission of Texas (RRC)

Texas Department of Agriculture (TDA)

Texas State Soil and Water Conservation Board (TSSWCB)

Texas Agricultural Experiment Station (TAES)

Agency Staff

Leon Byrd

Peggy Hunka

Abiy Berehe

Texana Kowis

David Guarino

Affiliation

TCEQ

TCEQ

TCEQ

TCEQ

TCEQ

Program

Water Supply Division

Water Supply Division

Water Supply Division

Internal Audit

Internal Audit

Interested Parties

None present

Affiliation

MEETING HANDOUTS

1. Agenda for Texas Groundwater Protection Committee Work Session on November 7, 2007
2. *Texas Groundwater Protection Strategy*, subsequently referred to as the “*Strategy*”, (http://www.tceq.state.tx.us/assets/public/comm_exec/pubs/as/188.pdf)
3. Excerpts from Texas Groundwater Protection Committee Meeting Minutes Related to the *Strategy* and Implementation Issues

MEETING RECORD OF NOVEMBER 7, 2007

1. CALL TO ORDER AND INTRODUCTIONS

Cary Betz, Designated Chair of the Texas Groundwater Protection Committee (TGPC), called the meeting to order at approximately 9:20 AM CST. Meeting was substantially delayed due to apparent lack of a quorum; however, the TGPC's legal counsel, John Williams, was contacted to see if a Work Session could begin without a quorum. Since this meeting is a Work Session, a quorum is not required; however, a quorum was reached at approximately 9:40 am CST. Texana Kowis and David Guarino were introduced as the facilitators for this Work Session. Ms. Kowis will be actively facilitating the meeting, and Mr. Guarino will be serving as scribe, editing an electronic version of the existing strategy with comments and notes as the meeting proceeds. The copy of that document must be included as an attachment to this meeting record.

2. REVIEW POLICY FRAMEWORK FOR GROUNDWATER PROTECTION, STATE GROUNDWATER PROTECTION GOAL, WATER PLANNING PROCESS, AND GROUNDWATER CONSERVATION AND MANAGEMENT

Ms. Kowis opened the discussion on this section by asking members for desired changes, updates, additions, and deletions for this section. Allan Jones identified several changes needed under the section on State Water Planning Process. Specifically, an older version of the State Water Plan is referenced. Other changes were identified, and assigned to the TWDB for review and amendment.

Dr. Jones further identified portions of the section on Groundwater Conservation and Management that needed updating. Leslie Savage suggested that bills enacted under the most recent legislative session needed to be included. Information on Groundwater Management Areas (GMAs) and Priority Groundwater Management Areas (PGMAs) also needs to be addressed. TWDB, the Texas Alliance of Groundwater districts (TAGD) and TCEQ were noted for input into this section.

3. REVIEW AQUIFER MAPPING, MAJOR/MINOR AQUIFER DELINEATIONS, AND GROUNDWATER MANAGEMENT AREA DESIGNATIONS

Ms. Savage and Dr. Jones noted that this section is the appropriate location for the Groundwater Management Area discussion. Cary Betz noted that the sections on GMAs and PGMAs were substantially unchanged, and that the section on Groundwater Classification and Standards is still valid. The section on cleanup standards needs some review. TCEQ will review and coordinate with the RRC.

Dr. Jones noted that there was no discussion of Groundwater Availability Models (GAMs) in the general section on Groundwater Resources (page 9). GAMs are listed as a duty of the TWDB on page 24 (Chapter III), but not discussed elsewhere. TWDB will need to review the section and amend as necessary.

Ms. Savage asked about including groundwater data management under the characterization section, but this will be addressed in Chapter V.

Ms. Savage inquired about the possibility of including maps and using color in the publication. Discussion ensued about improving the appearance and presentation of the document. Richard Eyster asked if there wasn't a restriction on using color, and Richard Egg mentioned that TCEQ did have a restriction on the use of color in the past. Mr. Betz indicated that he would look into the possibility of color publishing and including the use of maps.

Mr. Betz said that TCEQ staff would need to review the section on DRASTIC mapping because this type of mapping had not been done by the agency in the past ten to fifteen years.

Ms. Savage also inquired about including a discussion of HB 3030 activities in the section on Facility and Contaminant Source Inventory.

The section on the Edwards Aquifer needs to be updated. TCEQ will address changes to this section. Mr. Betz indicated that TCEQ would also review the section on the Source Water Assessment and Protection (SWAP) program.

4. REVIEW ROLES AND RESPONSIBILITIES OF THE TEXAS GROUNDWATER PROTECTION COMMITTEE, SUBCOMMITTEES, AND MEMBER AGENCIES AND ORGANIZATIONS. DISCUSS VARIOUS PROGRAMS WITHIN EACH AGENCY THAT PROTECT, REMEDIATE, AND CONSERVE GROUNDWATER

A requirement to have libations and barbecue at TGPC meetings was discussed, with TAES serving as host.

There are little or no changes to the content of pages 19 through 21; however, Subcommittee Chairs and Co-Chairs will need to provide additional material for enhancing the paragraph on Subcommittee activities on page 22. This section was intended to be general in nature, but there may need to be some material added.

Individual agency roles and responsibilities will need to be reviewed by the respective agencies. Mr. Betz indicated that this section appeared to have come from the program descriptions submitted by agencies for the annual *Joint Groundwater Monitoring and Contamination Report*. TCEQ will review the most recent contributions and coordinate changes.

The section on Regional Authorities and Planning Groups will be reviewed by TWDB and changes coordinated with TCEQ. TCEQ will review and amend the section on Federal Agency Partners as necessary. Mr. Betz noted that United States (U.S.) Fish and Wildlife Service (FWS) may need to be included as a participating federal agency.

The section on “Coordination in National and Interstate Groundwater Protection Efforts, Cooperation with Mexico” will need to be reviewed by TCEQ. Dr. Jones indicated that a new trans-boundary aquifer assessment will likely be coming through United States Geological Survey (USGS), provided that the Fiscal Year 2008 federal budget is approved.

Ms. Savage questioned the placement of the “Analysis” section. Mr. Betz pointed out that there was an “Analysis” section at the end of Chapters III and IV. Dr. Jones asked if there was an Executive Summary at the front. There is none, and Dr. Jones suggested that this be added. Janie Hopkins recommended that we delete the “Analysis” sections and place the content of these sections into an Executive Summary.

Mr. Betz indicated that the groundwater protection policy was unchanged. Groundwater remediation may be subject to some revision. TCEQ and RRC will work together on this section.

The section on groundwater conservation will require some revision. Richard Egg suggested that we include some discussion of the Water Conservation Advisory Committee in this section. TCEQ and TWDB are to review the section on page 41, as well as pages 53 and 54.

The section on Regulatory vs. Non-regulatory programs doesn’t need much attention; however, if the “Analysis” portions are removed, then the last paragraph under this heading will need to be changed.

Table 1 will need to be reviewed by each agency.

Mr. Betz and Ms. Savage suggested that TCEQ and the RRC will need to put something together on carbon dioxide sequestration – probably under the section on Permitting. Under the section on Waste Tracking and Minimization, a funding cut has affected program activities. TCEQ and RRC will address this section.

Table 2 will also need to be reviewed by each agency, as will the section on Technical Assistance Programs.

Under the Planning and Coordination section, Mr. Betz pointed out that there are Nonpoint Source (NPS) coordination issues mentioned, as well as pesticide coordination issues. TCEQ, TSSWCB, and TDA will work on the first paragraph. Mr. Betz also suggested that TWDB might need to be involved in the planning portion of this paragraph. Mr. Egg suggested that Watershed Protection Plans, a NPS activity being strongly promoted by the U.S. Environmental Protection Agency (EPA), be added as an example of coordination.

Mr. Betz emphasized that the focus was on groundwater *quality*, and Ms. Savage pointed out that on page 41 the headings omitted the term “quality”. This is a consistency issue that needs to be addressed.

Under Education and Outreach, a reference to the Texas Cooperative Extension's (TCE's) efforts should be made – TAES is to coordinate this.

Ms. Hopkins discussed the activities of the Data Management Subcommittee toward developing an enhanced statewide groundwater monitoring plan, and proposed that something be included in the Monitoring and Research Programs section. TWDB will work on this section in coordination with the Data Management Subcommittee.

In Table 3, it appears that activities of the Texas Department of Licensing and Regulation (TDLR) and TAGD are not true “remediation” programs. Also, the Radioactive Waste Program at TCEQ may not be a true “remediation” program. TCEQ is to coordinate revisions to this section with the four agencies and organizations mentioned in Table 3 (TCEQ, TDLR, RRC, and TAGD). Mr. Eyster, Mr. Betz, and Mr. Egg discussed this, and determined that their activities may be more of a protective nature, rather than remedial.

Other “remediation” programs need to be reviewed, especially where soils remediation and radionuclide remediation activities are concerned, to establish whether these are remedial or protective programs, as well.

TCEQ and RRC are to review Voluntary Cleanup Programs section (page 52) for possible changes. TCEQ will also review and revise the sections on The Risk-Based Approach and The Process of Risk Assessment in coordination with RRC.

There was discussion of the “Analysis” section for this again, and the general consensus was that there were some conclusions in the “Analysis” that were not necessarily supported by the information presented in the section.

The section on Groundwater Conservation Programs needs to be reviewed by TWDB and TCEQ.

Mr. Betz added that TCEQ would address U.S. FWS issues in Table 5 and under the Regulatory Programs for Groundwater Conservation section. He stated that we would need to elaborate on this subject because it is much more of an “emerging issue” than when this version of the *Strategy* was crafted.

The Water Conservation Implementation Task Force, an effort led some time back by the TWDB, needs to be addressed here under Non-Regulatory Programs. Mr. Egg also suggested that the *Water IQ – Know Your Water* program also needs to be included here. The TWDB will address the latter.

Ms. Savage questioned the placement of “oversight of Groundwater Conservation Districts (GCDs)” in the section on Regulatory Groundwater Conservation. Mr. Betz reminded the Committee of what constitutes GCD “oversight” by the Commission. Also, Ms. Savage noted that this is the first mention of the Texas Parks and Wildlife Department (TPWD), and suggested that a discussion of TPWD activities be included.

Dr. Jones pointed out that the U.S. Department of Agriculture (USDA) provides a large amount of funding for water conservation efforts. Mr. Egg stated that this was primarily through TSSWCB programs. TSSWCB will provide information on the USDA Natural Resource Conservation Service (NRCS) technical assistance programs, and TAES will write up something on monitoring and research programs.

USGS needs to be contacted for some contribution to the monitoring and research programs section as well. TCEQ and TWDB will coordinate this.

GCDs need to input into the Monitoring and Research section.

5. DISCUSS GROUNDWATER DATA MANAGEMENT AND GROUNDWATER RESEARCH NEEDS AND EFFORTS

The Data Management Subcommittee has been working on addressing all aspects of this Chapter. Ms. Hopkins and Mr. Betz indicated that the Subcommittee will review and revise this section as appropriate. The draft Groundwater Monitoring Strategy will also be incorporated into this document by reference or other method.

6. DISCUSS GROUNDWATER PUBLIC EDUCATION INITIATIVES BY EACH AGENCY AND PUBLIC PARTICIPATION INITIATIVES

The Public Outreach and Education Subcommittee will review and revise Chapter VII as necessary. An outreach strategy has been adopted by the Committee, and as with the Monitoring Strategy, this document will be incorporated into this Chapter by reference or other method.

For Chapter VIII, Ms. Savage expressed a desire to reorganize this Chapter based on methods of participation; for example, rulemaking, regional water planning, etc. Ms. Savage offered that the RRC provide a start on this. Dr. Jones discussed various ways that the public could participate in the activities of GCDs. A table of participation methods/events was suggested.

Discussion ensued about how much public participation the TGPC actually receives. Mr. Betz acknowledged that a large component of public participation comes through the TGPC website – inquiries and comments.

7. DISCUSS SHORT AND LONG TERM GROUNDWATER PROTECTION PLANNING

Mr. Betz started discussion on the adequacy of revisiting the strategy document every six years. Mr. Egg stated that he believed this was adequate. Mr. Betz mentioned that the TGPC was an entity concerned with groundwater quality issues – by statute – but that the statute contained mention of groundwater quantity. With a shift in the emphasis by the

legislature toward groundwater quantity issues, the TGPC and to some extent the *Strategy*, have had to adapt to address these issues.

Agency contributions were requested by January 16, 2008, and Subcommittee contributions were requested by February 16, 2008.

Mr. Egg asked about a “hard due date” – Mr. Betz responded December 28, 2008. Mr. Egg pointed out that this was a Sunday – the exact date will be near December 28, but will be determined at a later time.

This remaining items in this Chapter will need to be addressed after other information has been compiled.

8. DISCUSS ADDITIONAL RECOMMENDATIONS ON HOW TO IMPLEMENT THE TEXAS GROUNDWATER PROTECTION STRATEGY

There was discussion of short, medium, and long term goals.

Dr. Jones suggested that the TGPC still should strengthen communications with GCDs and Regional Water Planning Groups, per the first recommendation in the *Strategy*. We will keep this recommendation and modify it to some extent to enhance communications with the various entities. TCEQ will come up with some language.

The Data Management Subcommittee has undertaken efforts to improve groundwater data.

Shortly after this version of the *Strategy* was developed, the TGPC created the Groundwater Research Subcommittee in response to the recommendation to coordinate research. This goal was met, and any specific research recommendations need to come from the Groundwater Research Subcommittee.

The Public Outreach and Education Subcommittee and TCE need to address the section on increasing public outreach. Mr. Egg requested some form of document to be used to assist with questions like “who owns groundwater?” Ms. Savage also stated that after the last legislative session, there was a great deal of mis-information circulating with respect to agency roles and responsibilities. She agreed to supply an example of what she did for the Barnett Shale.

Periodic updates of the *Strategy* will need to be continued. Dr. Jones suggested an addendum be developed after each legislative session. The TGPC needs to commit to such an addendum.

Some items were not captured in the document. A list of those items was provided at the October 2007 meeting of the TGPC. This list needs to be revisited, and recommendations need to be solicited from the agencies and the Subcommittees.

The group elected to combine the Recommendations and Analyses into a section on Findings and Recommendations. TCEQ will lead this effort.

9. ADJOURN

The meeting was adjourned at approximately 12:00 noon CST.

10. ATTACHMENT

Draft *Strategy* document from this meeting.