

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

Meeting Date: April 9, 2008
 Meeting No.: 77

Place: TCEQ Campus, Bldg F
 Room: 2210

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MEETING ATTENDANCE

Committee Members

Cary Betz

Janie Hopkins

Leslie Savage

Ken Ofunrein

David Villarreal

Donna Long

C. Allan Jones

Bridget Scanlon

David Gunn

Affiliation

Texas Commission on Environmental Quality (TCEQ)

Texas Water Development Board (TWDB)

Railroad Commission of Texas (RRC)

Department of State Health Services (DSHS)

Texas Department of Agriculture (TDA)

Texas State Soil and Water Conservation Board (TSSWCB)

Texas AgriLife Research (TAR)

University of Texas Bureau of Economic Geology (UTBEG)

Texas Department of Licensing and Regulation (TDLR)

Agency Staff

Lauren Bilbe

Abiy Berehe

Leon Byrd

Alan Cherepon

Peggy Hunka

Joe Peters

Scott Underwood

Affiliation

TCEQ

TCEQ

TCEQ

TCEQ

TCEQ

TCEQ

TCEQ

Program

Monitoring Operations Division

Water Supply Division

Interested Parties

Naila Ahmed

Holly Vandrovec

Affiliation

Lower Colorado River Authority (LCRA)

Kelly Hart & Hallman LLP

MEETING HANDOUTS

1. Agenda for Texas Groundwater Protection Committee meeting on April 9, 2008
2. Record for Texas Groundwater Protection Committee meeting on January 16, 2008
3. Summary of Texas Groundwater Protection Committee (TGPC) Public Outreach and Education (POE) Subcommittee Meeting on February 21, 2008
4. *Activities and Recommendations of the Texas Groundwater Protection Committee: Report to the 80th Legislature*, TCEQ SFR-047
(http://www.tceq.state.tx.us/assets/public/comm_exec/pubs/sfr/047_06.pdf, TGPC members only)
5. Draft TGPC Nonpoint Source Management Plan Task Force Charge
6. Advisory Committee on Water Information (AWCI) Response to Comments – Water for America Initiative, dated March 24, 2008
7. TCEQ Rule Projects
8. 2008 TCEQ Environmental Trade Fair and Conference flyer
9. TGPC refrigerator magnet proof (TGPC members only)
10. 2008 Water-related Conferences in Texas

MEETING RECORD OF APRIL 9, 2008

1. CALL TO ORDER AND INTRODUCTIONS

Cary Betz (TCEQ), Designated Chair of the Texas Groundwater Protection Committee (TGPC), called the meeting to order at approximately 1:02 PM CST and then TGPC members introduced themselves.

2. SUBCOMMITTEE REPORTS

Agricultural Chemicals

Joe Peters (TCEQ) reported that the Agricultural Chemicals Subcommittee met for their Fiscal Year 2008 Third Quarter meeting that morning and four of the seven Subcommittee members were present.

For the Site Selection Task Force, Alan Cherepon (TCEQ) reported on cooperative sampling with the United States Geological Survey (USGS), cooperative sampling by the TWDB in the Panhandle, and upcoming TCEQ urban monitoring in and around Austin and San Antonio.

Chris Harrington from the City of Austin (COA) gave a presentation on their groundwater sampling program for pesticides, Kathy Shay (COA) gave a presentation on the water quality education programs that they have implemented, and David Johns (COA) was also present to help answer questions.

The Agricultural Chemicals Subcommittee approved of the progress thus far in developing a flow chart showing the procedure for determining Pesticides of Interest (POI) and Pesticides of Concern (POC).

During the Information Exchange portion of the meeting, Lynne Fahlquist (USGS) gave an update on their 2008 monitoring activities in the state:

- In the Austin area, approximately thirty domestic water wells will be sampled in the Edwards Aquifer Recharge Zone between May and July, 2008;
- There is ongoing monitoring in the San Antonio Region; and,
- Recent sampling has been completed in the Edwards Aquifer and the data should be available soon.

Data Management

Cary Betz (TCEQ) reported that the Data Management Subcommittee had not met since the last TGPC meeting, but the Co-Chairs are planning on meeting during the week of April 14 – 18, 2008. Feedback is still requested on the Geotechnical Research Institute (GTRI) report which will be incorporated into Chapter V of the draft *Texas Groundwater Protection Strategy* update.

Public Outreach and Education

Cary Betz (TCEQ) reported that the Public Outreach and Education (POE) Subcommittee last met on February 21, 2008 and ten agencies and organizations were represented.

The January 16, 2008 TGPC-approved update to the POE Subcommittee Charge was reviewed. A draft update to the POE-related sections of the *Texas Groundwater Protection Strategy* was reviewed, discussed, edited, approved, and subsequently submitted by the February 29, 2008 deadline to the TGPC.

The following Frequently Asked Questions (FAQs) were approved and subsequently posted on the TGPC website (<http://www.tgpc.state.tx.us/FAQs.htm>):

1. What is the relationship between water levels in wells and groundwater quantity ?
2. Why monitor groundwater levels ?
3. How is Pesticide Contamination of Groundwater Prevented in Agricultural Areas ?
4. What is a Municipal Setting Designation ?
5. What Do I Need to Know About the Operation and Maintenance of Onsite Wastewater Systems ?
6. What Do I Need to Know About Capping A Water Well for Future Use ?
7. What Do I Need to Know About Plugging An Abandoned Water Well ?

Additional FAQs on the following topics are planned:

1. How is Pesticide Contamination of Groundwater Prevented in Urban Areas ?
2. Oil & Gas Waste Disposal Wells and Water Quality
3. Water Ownership
4. What is a Groundwater Conservation District (GCD) ?
5. What is a Priority Groundwater Management Area (PGMA) ?
6. What is a Regional Water Planning Group (RWPG) ?
7. What is a Groundwater Management Area (GMA) ?

The POE Subcommittee was referred to the TGPC website for the status report on recent and upcoming outreach events

(http://www.tgpc.state.tx.us/subcommittees/POE/WellScreening_Closure_TGPCboothEvents21Feb2008.pdf):

- Texas AgriLife Extension Service (TAES) Water Well Screening Events
 - One since the previous POE Subcommittee meeting (32 samples)
 - Four planned through May 2008
- TAES Abandoned Water Well Closures
 - One since the previous POE Subcommittee meeting (Seven attendees)
 - None planned at this time
- TGPC Booth
 - None since the previous POE Subcommittee meeting
 - One planned through May 2008

The status of reprinting and publication of various TAES fact sheets and trifold brochures was given, and TGPC website activity metrics since the previous POE Subcommittee

meeting were reviewed. Some of the 2008 National Groundwater Awareness Week posters were distributed at the meeting, and the proposed artwork for TGPC magnets was reviewed.

The next POE Subcommittee meeting is scheduled for April 17, 2008.

Cary Betz (TCEQ) also pointed out the National Groundwater Awareness Week (March 9 – 15, 2008) poster in the room which had been distributed for display in all TGPC agency lobbies and the Texas Capitol Annex.

Groundwater Research

C. Allan Jones (TAR) reported that the joint meeting that morning with the Nonpoint Source (NPS) Pollution teams from TCEQ and TSSWCB went very well with a presentation on the state's NPS Pollution programs. TGPC assistance with the groundwater portion of that program was discussed, as well as how the NPS Pollution programs might be able to assist groundwater-related research. Also discussed was the development of a Texas aquifer water quality assessment (similar to the 305(b) list for surface waters) which would be a summary of the various components of groundwater quality grouped by aquifer or regional area.

Legislative Report

Cary Betz (TCEQ) informed the TGPC that the Legislative Report Subcommittee met that morning and reviewed the previous document (*Activities and Recommendations of the Texas Groundwater Protection Committee: Report to the 80th Legislature* ("Legislative Report"), TCEQ SFR-047, http://www.tceq.state.tx.us/assets/public/comm_exec/pubs/sfr/047_06.pdf). Three action items were assigned to the TGPC with a feedback deadline of May 30, 2008:

1. Review and comment on the previous document's Table of Contents;
2. Review the previous document's Recommendations section starting on page 1 and provide the status for each agency-specific Recommendation (i.e., funded or not funded, needs continued funding, etc.); and,
3. Provide any new agency-requested Recommendations, with the understanding that it would be better to limit the total number of Recommendations in the next document.

3. PRESENTATION

The 2008 Texas Water Quality Inventory – Groundwater Assessment

Abiy Berehe (TCEQ) summarized the groundwater portion of the 2008 Texas Water Quality Inventory (also known as the 305(b) Report), including a review of the constituents of concern and nuisance constituents in Texas' major and minor aquifers.

4. BUSINESS DISCUSSION AND POSSIBLE ACTION

Texas Commission on Environmental Quality (TCEQ) / Texas State Soil and Water Conservation Board (TSSWCB) Nonpoint Source Pollution Liaison – Discuss Personnel Assignments

C. Allan Jones (TAR) proposed, Bridget Scanlon (UTBEG) seconded, and all remaining TGPC members approved that the TSSWCB representative to the TGPC would be the liaison between the TGPC and the TCEQ and TSSWCB NPS Pollution program teams.

Review Update to Nonpoint Source (NPS) Management Plan Task Force Charge

C. Allan Jones (TAR) proposed, Donna Long (TSSWCB) seconded, and all remaining TGPC members approved deactivation of the NPS Management Plan Task Force and the use of the TGPC NPS Pollution Liaison (i.e., the TSSWCB representative to the TGPC) to exchange information between the TGPC and the TCEQ and TSSWCB NPS Pollution program teams.

Texas Groundwater Protection Strategy – Continue Discussion of the Update

Cary Betz (TCEQ) reported that the *Texas Groundwater Protection Strategy* (“Strategy”, TCEQ AS-188, http://www.tceq.state.tx.us/assets/public/comm_exec/pubs/as/188.pdf) update is approximately one month behind schedule due to delinquent feedback from one TGPC agency and several TCEQ areas. The updated *Strategy* draft needs to be ready by August 1, 2008 in order to give all TGPC agency management adequate time for review and feedback. With the next TGPC quarterly meeting scheduled for July 30, 2008, the TGPC will need to meet prior to that in order to finalize the document.

Cary Betz (TCEQ) asked for TGPC feedback on several potential aspects of the *Strategy* update that could also be referenced in the *Legislative Report*:

- Shifting from a TCEQ-internal perspective on facilitating the TGPC to more of a TGPC focus on protecting groundwater;
- Adding an item regarding carbon dioxide sequestration, saline aquifers, and desalination;
- Adding an item regarding the relationship between groundwater and endangered species, habitat protection, and environmental flows;
- Adding an item regarding pharmaceutical and personal care product contamination of groundwater;
- Requesting reinstatement of funding and support for the Texas Water Monitoring Council that would include a strong groundwater component;
- Educating three TCEQ Commissioners who have no history with the current document; and,
- Summarizing the TGPC’s white papers.

Leslie Savage (RRC) suggested that the document should have a more “bulletized” approach and that the Executive Summary could be more forceful (perhaps with a one-

page summary of main points). Leslie Savage also asked about the *Strategy's* legislative distribution list.

Donna Long (TSSWCB) suggested that the cover could be improved with color and/or photos.

C. Allan Jones (TAR) suggested summarizing the *Strategy's* highlights in one page and including this with the mailout.

Ethics Policy

Cary Betz (TCEQ) reported that, due to other pressing issues, the TGPC's Legal Advisor, John Williams (TCEQ), had not been able to finalize the TGPC Ethics Policy in time for the meeting. This item will be presented for approval at the next TGPC meeting.

Set Future Meeting Dates

A special TGPC Work Session to discuss the *Strategy* update is scheduled for June 18, 2008 at 10:00 AM CDT. The next TGPC quarterly meeting is scheduled for July 30, 2008 at 1:00 PM CDT.

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

Water Quality Inventory (305(b)) Report – TCEQ

Cary Betz (TCEQ) reported that the groundwater portion of the Water Quality Inventory (305(b)) Report is in the final draft state and in TCEQ management review.

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

Peggy Hunka (TCEQ) reported that 19 groundwater contamination cases were reviewed since the last TGPC meeting. Thirty eight letters were mailed for seven of these cases, and it was anticipated that several hundred letters would be issued over the next several days regarding the remaining 12 cases.

Groundwater Management Areas – TWDB, TAGD

Janie Hopkins (TWDB) reported that they are meeting with many Groundwater Management Areas (GMAs) in order to discuss Desired Future Conditions.

Regional Water Planning – TWDB

Janie Hopkins (TWDB) reported that they have published several Requests For Proposals for projects with applications due June 13, 2008 and funding recommendations will be presented at the August 2008 TWDB meeting.

Groundwater Availability Modeling – TWDB

Janie Hopkins (TWDB) reported that they are beginning work on several new Groundwater Availability Monitoring (GAM) models.

Nonpoint Source Pollution – All Agencies

Donna Long (TSSWCB) reported that the annual NPS Pollution Report has been published and is available at http://www.tsswcb.state.tx.us/files/contentimages/2007_Annual_Report.pdf (PDF, 26.3 MB).

Lauren Bilbe (TCEQ) suggested that an assessment of aquifers impacted by NPS pollution (e.g., general sources of the aquifer's NPS pollution, prioritization of aquifers needing further research or attention, etc.) may be helpful.

National Groundwater Initiatives – All Agencies

Cary Betz (TCEQ) referred the TGPC to the Water for America Initiative handout. Cary Betz provided some background information in that the proposed USGS budget does not include funding for the National Water-Quality Assessment Program (NAWQA, <http://water.usgs.gov/nawqa/>) but funding has been added for a National Water Census. In addition, the U.S. Department of the Interior's Advisory Committee on Water Information (<http://acwi.gov/>) Groundwater Subcommittee (<http://acwi.gov/sogw/index.html>) has been working on a national water quality monitoring framework document which is focused on water quantity (vs. water quality).

Cary Betz (TCEQ) also reported that at the last national Ground Water Protection Council (GWPC, http://www.gwpc.org/home/GWPC_Home.dwt) meeting in Washington, D.C., a few states expressed support to their congressional representatives for groundwater being included in the Clean Water Restoration Act's definition of "waters of the U.S.", and this is a concern for Texas.

6. ANNOUNCEMENTS

Rules Update

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

- Pending Proposals (9)
 - Contaminant Standards for Alternate Daily Cover
 - Reclaimed Water Production Facilities Rule
 - HB 3, SB 3: Environmental Flow Standards
 - SB3, HB 4, HB 1391: Standards for Harvested Rainwater and Public Safety Standards
 - HB 1526: Supplemental Leak Detection

- HB 3554, HB 1956: Regulation, Remediation, and Financial Assurance of AST's and UST's
- SB 1037: Evaporation Pits
- HB 3838, SB 1604: Phase 2 of Implementation of Radioactive Material Disposal and Source Material Recovery Requirements
- Texas Surface Water Quality Standards
- Proposals (2)
 - HB 2541: MSW Recycling Facilities in Certain Counties
 - HB 2482: Onsite Sewage Facilities
- Pending Adoptions (10)
 - Petition for Rulemaking Concerning General Health, Environmental Effects Issues
 - HB 3475 and SB 3: Border Counties' Water and Sewer Systems, CCNs, and Rates
 - HB 576, HB 1127, HB 1886, HB 2984, HB 3378, HB 3770, SB 657: Water Districts
 - SB 662: Groundwater Availability for Platting
 - HB 1457, HB 1719: Disposal and Storage of Carcasses
 - HB 1956: PST Financial Assurance
 - HB 3220: Dry Cleaner Regulation and Remediation
 - HB 2654: UIC Class I Non-hazardous Rules for Water Treatment Residuals
 - Hazardous Household Waste Rules Revisions
 - Repeal of 30 TAC Ch 317 and Proposal of 30 TAC Ch 217, Design Criteria for Sewerage Systems
- 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 (TGPC) referred the TGPC to the TCEQ Publications webpage (http://www.tceq.state.tx.us/comm_exec/forms_pubs/search_pubs.html) where the latest titles and revisions can be searched for the last quarter.

Donna Long (TSSWCB) reported that the TMDL Guidance for lead agencies is in final draft format but it still needs to go out for public comment. The Bacteria Task Force recommendations (<http://twri.tamu.edu/bacteriatmdl/>) are included in this update.

C. Allan Jones (TAR) announced that Texas A&M Press (<http://www.tamu.edu/upress/>) will be publishing an updated version of the Texas springs book in the Fall 2008 catalog.

Upcoming Conferences

Cary Betz (TCEQ) noted that the TCEQ Environmental Trade Fair is scheduled for April 29 – May 1, 2008 and requested TGPC staff member support for the TGPC booth at this conference. Like last year, TGPC members willing to staff a shift in the TGPC booth will be able to attend some of the conference presentations at no charge. New for this year are complimentary passes for the parking garage. The TGPC booth will be staffed with two people per shift, so expertise in all TGPC-related matters is not required. This year's Trade Fair offers 12 concurrent educational tracks, over 160 presentations, more than 400 exhibits, and up to 12 hours of Continuing Education Credits with new offerings for engineers and attorneys. As always, exhibitor booths on the floor of the Austin Convention Center can be visited free of charge. Contact Kathy McCormack (kmccorma@tceq.state.tx.us, 512-239-3975) no later than April 23, 2008 to support this TGPC booth.

Details on additional upcoming conferences were listed in the "2008 Water-related Conferences in Texas" handout.

Leslie Savage (RRC) reported that there would be a carbon dioxide sequestration conference at the University of Texas at Austin campus on April 24 – 25, 2008.

David Gunn (TDLR) announced that there would be a subsidence conference in Corpus Christi on April 17 – 18, 2008.

Lauren Bilbe (TCEQ) reported that there would be a Texas Watershed Planning Short Course (<http://watershedplanning.tamu.edu/>) offered during the first week of June 2008. C. Allan Jones (TAR) indicated that this course details how to develop watershed protection plans according to U.S. Environmental Protection Agency (EPA) standards.

7. PUBLIC COMMENT

There was no public comment.

8. ADJOURN

Cary Betz (TCEQ) adjourned the meeting at approximately 3:26 PM CST.