

TEXAS GROUNDWATER PROTECTION COMMITTEE
RECORD OF MEETING
 First Quarterly Meeting, Fiscal Year 2013

Meeting Date: October 10, 2012
 Meeting No.: 95

Place: TCEQ Campus, Bldg F
 Room: 2210

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MEETING ATTENDANCE

Committee Members

Cary Betz

Janie Hopkins

Peter Pope

Richard Eyster

Richard Egg

Kevin Wagner

Bridget Scanlon

David Gunn

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 A&M AgriLife Research (TAMAR)

University of Texas Bureau of Economic Geology
(UTBEG)

Texas Department of Licensing and Regulation
(TDLR)

Agency Staff

Sean Ables

Abiy Berehe

Lauren Bilbe

Alan Cherepon

Kathy Humphreys

Peggy Hunka

Isaac Jackson

Kathy McCormack

Kelly Mills

Joe Peters

L. Scott Underwood

Affiliation

TCEQ

Program

Water Supply Division

Water Availability Division

Water Quality Planning Division

Water Availability Division

Environmental Law Division

Water Availability Division

Intergovernmental Relations

Water Availability Division

Water Availability Division

Water Availability Division

Water Availability Division

Interested Parties

Tomeka Herod

Vicky Kennedy

Cindy Loeffler

Cindy Smiley

Affiliation

The Wilkins Group, Inc.

Travis County

Texas Parks and Wildlife Department

Smiley Law

MEETING HANDOUTS

1. Agenda for Texas Groundwater Protection Committee meeting on October 10, 2012
2. Record for Texas Groundwater Protection Committee meeting on July 18, 2012
3. Summary of Texas Groundwater Protection Committee (TGPC) Public Outreach and Education (POE) Subcommittee meeting, September 20, 2012
4. Summary of Texas Groundwater Protection Committee (TGPC) Nonpoint Source (NPS) Task Force (TF) meeting, September 21, 2012
5. TGPC Website Redesign Survey Summary, September 2012 (TGPC members only)
6. Draft *Activities and Recommendations of the Texas Groundwater Protection Committee – A Report to the 83rd Legislature* (“Legislative Report”, TGPC members only)
7. Recommendations of the Nonpoint Source Task Force, Texas Groundwater Protection Committee
8. Background information regarding a Public Information Officer for the TGPC (TGPC members only)
9. Drought 2012 – U.S. Drought Monitor, Texas as of October 4, 2012; U.S. Seasonal Drought Outlook, October – December 2012; Public Water Supply Systems Affected as of October 3, 2012
10. TCEQ Rules Update, October 8, 2012
11. 2013 National Ground Water Association Summit flyer
12. 2012 – 2013 Water-related Conferences in Texas, October 2012

A copy of the *Joint Groundwater Monitoring and Contamination Report – 2011* (http://www.tceq.texas.gov/publications/sfr/056/056_11_index.html) was also on display in the back of the room.

MEETING RECORD OF OCTOBER 10, 2012

1. CALL TO ORDER AND INTRODUCTIONS

Cary Betz (TCEQ), Designated Chairman of the Texas Groundwater Protection Committee (TGPC), called the meeting to order at approximately 1:08 PM CDST. TGPC members then introduced themselves. Representatives from the Department of State Health Services (DSHS) and the Texas Alliance of Groundwater Districts (TAGD) were not present at the meeting, and the representative from the Texas Department of Agriculture (TDA) was not present at the beginning of the meeting.

2. SUBCOMMITTEE REPORTS

Agricultural Chemicals

Joe Peters (TCEQ) reported that the TGPC Agricultural Chemicals Subcommittee met for their Fiscal Year (FY) 2013 First Quarter meeting that morning.

For the Site Selection Task Force, Janie Hopkins (TWDB, Task Force Chair) reported that they sampled 313 wells in FY2012. TWDB plans on sampling in the Sparta, Yegua Jackson, and Hickory Aquifers in March or April 2013 with a goal of 390 wells. Alan Cherepon (TCEQ) added that the TCEQ FY2013 monitoring plan was being drafted and would be discussed at the next Agricultural Chemicals Subcommittee meeting.

For the Educational Task Force, Mark Matocha (Texas A&M AgriLife Extension Service (TAMAES), Task Force Co-Chair) reported that they had been training various entities, both governmental and non-governmental, on the Texas Pollutant Discharge Elimination System (TPDES) general pesticide permit.

For the Pesticide Management Plan Task Force, Alan Cherepon (TCEQ, Task Force Co-Chair) reported that there was no recent or planned activity at this time. All of the pesticide evaluations for the U.S. Environmental Protection Agency (EPA) Pesticides of Interest Tracking System (POINTS) have been completed.

Alan Cherepon (TCEQ) gave a presentation on TCEQ's 2012 groundwater monitoring program for pesticides:

- Twenty lab analyses using four different methods;
- In the Texas Panhandle region, on-going monitoring indicates a continued decline in atrazine levels for Public Water Supply (PWS) wells;
- Lab analyses verify only trace amounts of pesticides, primarily atrazine;
- There were 243 cooperative monitoring immunoassay (IA) analyses; and,
- Cooperative monitoring revealed only trace amounts of atrazine.

A motion was unanimously passed to reduce Agricultural Chemicals Subcommittee meetings to twice a year and as needed, corresponding with the meeting dates of the TGPC Groundwater Research Subcommittee, which is now also meeting twice a year.

Data Management

Janie Hopkins (TWDB) reported that the TGPC Data Management Subcommittee had not met since the last TGPC meeting.

Public Outreach and Education

Kathy McCormack (TCEQ) reported that the TGPC POE Subcommittee last met on September 20, 2012 and nine state agencies and organizations were represented.

The current Outreach Events Status Report (available on the POE Subcommittee webpage, <http://www.tgpc.state.tx.us/subcommittees/POE/POE.htm>, under “Additional Resources”) was reviewed:

- TAMAES Water Well Screening Events
 - Three since the previous TGPC POE Subcommittee meeting (253 samples)
 - Three planned through October 2012
- TAMAES Abandoned Water Well Closures
 - None since the previous TGPC POE Subcommittee meeting
 - None planned at this time
- TGPC Booth
 - Three since the previous TGPC POE Subcommittee meeting (140 estimated attendees)
 - Two planned through December 2012

Diane Boellstorff (TAMAES) reviewed the Texas Well Owner Network (TWON) schedule of water well screening events, and indicated that the TWON Handbook was in the final proof stage and should be available by the next POE Subcommittee meeting. TWON has a new Coordinator, Drew Gholson, formerly with Post Oak Savannah Groundwater Conservation District.

Michael Hare (TDA) gave the POE Subcommittee a presentation on the history, intent, requirements, and structure of pesticide labels. Using the AAtrex 4l pesticide label as an example, he explained the various sections and indicated that the function of the label is to be an expression of the science that was required in order to register the pesticide.

One topic related to the *TGPC POE Groundwater Educational Outreach Plan Implementation Strategy* (“Implementation Strategy”, http://www.tgpc.state.tx.us/subcommittees/POE/TGPC_POE_EduOutreachPlan_Impl_St rat03Oct2007.pdf) was discussed:

- Thirteen online survey responses were received from Soil and Water Conservation Districts (SWCDs) regarding the TGPC’s FAQs. Information in some of the existing FAQs should be helpful to several SWCDs:

- *Water in Texas – Who Owns It ?*
- *Have Radionuclides Been Detected in Texas Groundwater ?*
- The series of FAQs on Oil and Gas

As they relate to public outreach and education, water quality testing in wells near oil and gas development and the RRC’s proposed rules related to on-lease recycling of produced water and/or hydraulic fracturing flowback fluid were also discussed.

The next POE Subcommittee meeting was scheduled for December 4, 2012.

Groundwater Research

Bridget Scanlon (UTBEG) reported that the TGPC Groundwater Research Subcommittee met that morning and discussed:

- A new U.S. EPA Request for Proposal (RFP) regarding nutrient management in watersheds;
- Efforts to make Texas more drought-proof;
- Power plants, their current surface water usage, possibly expanding their portfolio to consider conjunctive use of surface water (including stormwater, wastewater, and flood flows) and groundwater via Aquifer Storage and Recovery (ASR), which subsequently led to discussion of aquifer suitability, costs, water chemistry, and quality; and,
- Hydraulic fracturing and its impact on water quantity.

Nonpoint Source

Richard Egg (TSSWCB) reported that the TGPC Nonpoint Source (NPS) Task Force last met on September 21, 2012 and seven state agencies and organizations were represented.

The NPS Task Force discussed the DRASTIC (“Depth to water; annual Recharge; Aquifer media; Soil media; Topography; vadose zone Impact; hydraulic Conductivity”) aquifer vulnerability maps and what would be required to develop Geographic Information System (GIS) shapefiles from the DRASTIC paper maps. It was estimated that this could be done by a GIS intern under the supervision of a GIS technician. At previous meetings, the NPS Task Force discussed the need for updating the groundwater assessment that was done in 1989, which included the Texas DRASTIC results. The NPS Task Force noted that updated information for the 1989 report can now be found in two TWDB-funded 2011 reports: *Anthropogenic Contamination in Texas Aquifers* and *Naturally Occurring Groundwater Contamination in Texas*. In addition, NPS Task Force members discussed the results of a previous NPS Task Force survey of member agencies regarding the use of DRASTIC or an update to aquifer vulnerability for the state. Based on the survey results, there did not seem to be a need for an update to the state’s aquifer vulnerability assessment based on the limited number of users. However, making the DRASTIC geospatial data more widely available was determined to be beneficial.

New links to reports and databases related to groundwater quality have been posted on the NPS Task Force's web page (<http://www.tgpc.state.tx.us/subcommittees/nonpoint/Nonpoint.htm>). These reports and documents were reviewed and discussed. The NPS Task Force wanted to make groundwater quality information easily accessible by aggregating and publishing these links.

The NPS Task Force decided to develop recommendations for consideration by the TGPC:

1. Enhance availability of groundwater geospatial data (e.g., shapefiles) for the public.
2. Provide recommendations for new projects to address NPS pollution issues and information gaps. Recommendations of the TGPC and its Subcommittees are now considered in the ranking of projects for Clean Water Act Section 319 grants in Texas as of the 2012 update to the *Texas Nonpoint Source Management Program* (<http://www.tceq.texas.gov/waterquality/nonpoint-source/mgmt-plan/index.html>).
3. Approve deactivation of the NPS Task Force. Individual NPS Task Force members may be available to attend TGPC and other Subcommittee meetings where relevant and beneficial.

Since the NPS Task Force recommended deactivation, no additional meetings were set.

Richard Eyster (TDA) arrived at approximately 1:17 PM CDST and was present for the remainder of the meeting.

4. PRESENTATION

TGPC Website Redesign

Tomeka Herod (The Wilkins Group, Inc.) referred TGPC members to their handout package for a summary of the recent TGPC Website Redesign Survey, and then gave TGPC members a presentation on the status of this effort. The TGPC website redesign scope of work includes:

- Design a website that is compatible with HTML5 and all of the recent versions of Mozilla Firefox, Google Chrome, Microsoft Internet Explorer, and Apple Safari Internet browsers;
- Follow W3C's Web Content Accessibility Guidelines to ensure that the website complies;
- Archive the original website on CD;
- Create a visually-appealing website which is viewable on modern monitors;
- Install Google Analytics on the new website in order to monitor website traffic and statistics;
- Incorporate a Google search box at the top of the home page;
- Ensure that there are no broken links within the new website;
- Train TGPC's web manager on maintaining the website; and,
- Create a website training manual/documentation with the required steps needed to maintain the website.

5. BUSINESS DISCUSSION AND POSSIBLE ACTION

Activities and Recommendations of the Texas Groundwater Protection Committee – Report to the 83rd Legislature – Discussion of Final Report Text, Approval of Final Report, and Discussion of Timetable for Completion of Final Report and Delivery to the Legislature

Cary Betz (TCEQ) reviewed the final draft of the TGPC Legislative Report with TGPC members and there were a few proposed changes. David Gunn (TDLR) proposed, Richard Eyster (TDA) seconded, and all remaining TGPC members approved the final draft of the TGPC Legislative Report with the minor changes as discussed at the meeting. TCEQ staff will make any non-substantive changes as required in order to improve clarity and meet formatting requirements. Cary Betz (TCEQ) indicated that the TGPC Legislative Report would be finalized and submitted for publication within three weeks.

TGPC Nonpoint Source Task Force Recommendations

Lauren Bilbe (TCEQ) presented recommendations of the NPS Task Force to TGPC members:

1. Enhance availability of groundwater geospatial data (e.g., shapefiles) for the public. Some of the potential geospatial data which could be beneficial if it were made more accessible can be found in the following reports:
 - a. DRASTIC (Groundwater Pollution Potential plates, 1989),
<http://www.twdb.state.tx.us/publications/reports/GroundWaterReports/GWReports/TWC%20Report%2089-01/R89-01.htm>
 - b. TWDB Anthropogenic Contamination in Texas Aquifers (2011),
http://www.twdb.state.tx.us/publications/reports/contracted_reports/doc/1004831126_gwcontamination.pdf; Graphics Plates,
http://www.twdb.state.tx.us/publications/reports/contracted_reports/doc/1004831126_Vol%20IIPlates.pdf
 - c. TWDB Naturally Occurring Groundwater Contamination in Texas (2011),
http://www.twdb.state.tx.us/publications/reports/contracted_reports/doc/1004831125.pdf
 - d. The groundwater portion of the TCEQ Texas Integrated Report for Clean Water Act Sections 305(b) and 303(d) (2010),
http://www.tceq.texas.gov/waterquality/assessment/305_303.html

This recommendation could potentially be addressed by the TGPC Data Management Subcommittee.
2. Provide recommendations for new projects to address NPS pollution issues and information gaps. Recommendations of the TGPC and its Subcommittees are now considered in the ranking of projects for Clean Water Act (CWA) Section 319 grants in Texas as of the 2012 update to the *Texas Nonpoint Source Management Program*. This recommendation could potentially be addressed by the TGPC Groundwater Research Subcommittee.

3. Approve deactivation of the TGPC NPS Task Force. Individual NPS Task Force members may be available to attend TGPC and other Subcommittees meetings where relevant and beneficial.

Richard Egg (TSSWCB) proposed, Bridget Scanlon (UTBEG) seconded, and all remaining TGPC members approved the NPS Task Force Recommendations 1 and 2. Discussion regarding NPS Task Force Recommendation 3 was deferred to the next TGPC meeting so that it could be included as an agenda item for publication in the *Texas Register*.

Designation of a Public Information Officer for the TGPC

Cary Betz (TCEQ) reviewed a draft TGPC Public Information Officer Charge (e.g., duties, scope of responsibility, and the process for responding to public information requests) with TGPC members. Discussion regarding the designation of a TGPC Public Information Officer was deferred to the next TGPC meeting.

TGPC Records and Records Retention Period

Cary Betz (TCEQ) reviewed the types of TGPC records (e.g., meeting records, meeting handout packages, *Texas Register* and other correspondence, agency designation letters, Open Meeting Act training certificates, and publications) with TGPC members. Cary Betz also proposed an associated retention schedule for each type of TGPC record. Kevin Wagner (TAMAR) proposed, Richard Egg (TSSWCB) seconded, and all remaining TGPC members approved that TCEQ should move forward with formalizing and safeguarding the TGPC's records.

Set Future Meeting Date

The next TGPC quarterly meeting was scheduled for January 16, 2013 at 1:00 PM CST.

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

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

Peggy Hunka (TCEQ) reported that the Impact Evaluation Team (IET) had reviewed six groundwater contamination cases in the past quarter and mailed 47 notices (plus one pending) to private drinking well owners.

Groundwater Management Areas

Janie Hopkins (TWDB) reported that:

- The contract with RPS Espey for an educational groundwater video has been signed;
- Contracts for (1) recharge/evapotranspiration in Groundwater Management Area (GMA) 8, (2) a framework for the Gulf Coast Aquifer from the Brazos River to

- Louisiana, (3) aquifer test data from the TCEQ PWS program for GMA 8, and (4) Rustler Groundwater Availability Modeling (GAM) have closed or are closing;
- Contracts regarding hydrogeochemistry in (1) GMAs 3 and 7, (2) GMAs 11, 12, and 13, and (3) GMAs 14, 15, and 16 are in-progress; and,
 - All final Modeled Available Groundwater (MAG) reports have been released (73 out of 75) except for Leona Gravel in GMA 10 in Uvalde County and the combined Edwards-Trinity (Plateau), Pecos Valley Alluvium, and parts of the Hill Country portion of the Trinity Aquifer in GMA 7.

Regional Water Planning

Janie Hopkins (TWDB) reported that:

- Regional Water Planning Groups have submitted applications for funding in order to complete their regional plans; contract budgets and scopes of work will be amended for that work by early 2013;
- Regional Water Planning Groups are evaluating their non-municipal water demands; when this information has been received from all of the groups, TWDB will coordinate a review with TCEQ, TPWD, and TDA prior to requesting Board approval; and,
- TWDB anticipates receiving county population projections from the State Data Center in October 2012 and then releasing the draft water user group municipal population and water demand projections to the Regional Water Planning Groups by early 2013.

Groundwater Availability Modeling

Janie Hopkins (TWDB) reported that the contract with INTERA for the High Plains Aquifer System model (merge the northern and southern Ogallala and combine this with the Edwards-Trinity (High Plains), Rita Blanca, Dockum, and Pecos Valley) has been signed. In addition, TWDB GAM staff are currently working on the following groundwater availability models:

- Llano Uplift aquifers (Hickory, Ellenberger-San Saba, and Marble Falls);
- Finalizing the Presidio-Redford Bolson model and report;
- Finalizing the local model of the Seymour Aquifer in Haskell, Knox, and Baylor counties; and,
- Finalizing the contract for the Rustler Aquifer model.

The kickoff meeting for the Capitan Reef Complex Aquifer GAM is scheduled for October 25, 2012 at the Pecos County Courthouse.

Nonpoint Source Pollution

Richard Egg (TSSWCB) reported that their CWA Section 319 RFP period would close on October 12, 2012 and that the U.S. EPA had approved the 2012 update of the *Texas Nonpoint Source Management Program*.

National Groundwater Initiatives

Cary Betz (TCEQ) reported that nutrients and groundwater were hot topics at the recent Ground Water Protection Council (GWPC, <http://www.gwpc.org/>) Annual Forum in Nashville, Tennessee, and that ASR seems to be embroiled in a number of complex technical issues and legal and statutory policies. Kelly Mills (TCEQ) added that aquifer exemptions, Underground Injection Control (UIC), FracFocus (<http://fracfocus.org/>), and hydraulic fracturing were also important discussion items at the conference, and that the GWPC is updating their *Ground Water Report to the Nation* and accepting comments through December 2012. TCEQ is now represented on the GWPC Board of Directors by Dale Kohler, and Leslie Savage (RRC) serves as Treasurer on the GWPC Executive Board.

Cary Betz (TCEQ) reported that additional groups will be added to the U.S. Department of the Interior's Advisory Committee on Water Information (ACWI, <http://acwi.gov/>) data portal (http://cida.usgs.gov/gw_data_portal/). This should provide easier access to groundwater data from our neighboring states.

Drought Status

Cary Betz (TCEQ) referred TGPC members to the most recent U.S. Drought Monitor and TCEQ drought-affected Public Water Supply (PWS) Systems maps. As of October 4, 2012, 83 % of the state was in one of the five drought categories (down from 96 % at the last meeting), and some or likely improvement in drought conditions was forecast for these areas through December 2012. As of October 3, 2012, of the 4,688 active community water systems in Texas, 1,023 were still affected by drought (either voluntary or mandatory), and 702 of these use groundwater (either exclusively or partially).

7. ANNOUNCEMENTS

Rules Update

Cary Betz (TCEQ) reported on current TCEQ rulemaking that was of interest to the TGPC:

- 2012-038-335-WS – Resource Conservation and Recovery Act (RCRA) Authorization for Federal Rule Clusters XIX – XXI and Financial Assurance, Used Oil, and Manifest Revisions;
- 2012-023-285-CE – On-Site Sewage Facility (OSSF) Rule Update;
- 2012-012-007-AD – HB 451: Don't Mess with Texas Water;

- 2011-058-288-OW – SB 181 and SB 660 (Section 21): Water Conservation and Usage;
- 2011-057-290-OW – HB 3372, HB 3391, and SB 1073: Rainwater;
- 2011-056-290-OW – HB 805 (EPP) and Federal Ground Water Rule, Total Organic Carbon Rule, and U.S. EPA Method 334.0;
- 2011-037-007-WS – HB 2694 (Art. 2): RRC Transfer;
- 2009-034-311-OW – Water Quality Management within the Barton Creek and Onion Creek Watersheds;
- 2009-011-321-OW – Revisions to certain Subchapters of 30 Texas Administrative Code (TAC) Chapter 321 related to revised U.S. EPA Concentrated Animal Feeding Operation (CAFO) rules; and,
- 2008-022-213-CE – Edwards Aquifer.

Additional information on a specific TCEQ rule can be found at <http://www.tceq.texas.gov/rules/whatsnew.html>.

Peter Pope (RRC) reported that they were updating their rules regarding the recycling of produced water and hydraulic fracturing flowback water and comments would be accepted through October 31, 2012.

David Gunn (TDLR) reported that updated Water Well Driller and Pump Installer rules would be presented to the Water Well Drillers Advisory Council on October 22, 2012.

New Publications

Cary Betz (TCEQ) announced three TCEQ publications:

- *Emergency and Temporary Use of Wells for Public Water Supplies*, RG-485 (Revised August 2012), <http://www.tceq.texas.gov/publications/rg/rg-485.html>;
- *Joint Groundwater Monitoring and Contamination Report – 2011*, SFR-056/11 (August 2011), http://www.tceq.texas.gov/publications/sfr/056/056_11_index.html; and,
- *You're a PWS...Now What?*, RG-496 (Revised September 2012), <http://www.tceq.texas.gov/publications/rg/rg-496.html>.

Upcoming Conferences

Cary Betz (TCEQ) noted the flyer for the 2013 National Ground Water Association Summit and referred TGPC members to the conferences listed in the “2012 – 2013 Water-related Conferences in Texas” handout – the current version of this handout is always available on the TGPC’s POE Subcommittee webpage at <http://www.tgpc.state.tx.us/subcommittees/POE/POE.htm> under “Additional Resources”.

8. PUBLIC COMMENT

Kelly Mills (TCEQ) thanked TGPC members for their support in completing the TGPC Legislative Report this year, and Cary Betz (TCEQ) thanked Kelly Mills for Chairing the Legislative Report Subcommittee.

9. ADJOURN

Cary Betz (TCEQ) adjourned the meeting at approximately 3:07 PM CDST.