

**TEXAS GROUNDWATER PROTECTION COMMITTEE  
RECORD OF MEETING**

First Quarterly Meeting, Fiscal Year 2012

Meeting Date: October 12, 2011  
Meeting No.: 91

Place: TCEQ Campus, Bldg F  
Room: 2210

TABLE OF CONTENTS

<b>MEETING ATTENDANCE .....</b>	<b>2</b>
<b>MEETING HANDOUTS .....</b>	<b>3</b>
<b>MEETING RECORD OF OCTOBER 12, 2011 .....</b>	<b>4</b>
1. CALL TO ORDER AND INTRODUCTIONS .....	4
2. SUBCOMMITTEE REPORTS.....	4
Agricultural Chemicals .....	4
Data Management .....	5
Public Outreach and Education.....	5
Groundwater Research.....	6
Nonpoint Source .....	6
3. PRESENTATION.....	7
Overview of Program for Public Health & Water Research.....	7
4. BUSINESS DISCUSSION AND POSSIBLE ACTION.....	7
Discuss Groundwater Research and Public Outreach and Education Subcommittee Charges .....	7
Review, Discuss, and Approve Publications and Popular Press Articles .....	7
Set Future Meeting Date .....	7
5. INFORMATION EXCHANGE FOR GROUNDWATER-RELATED ACTIVITIES – STATUS UPDATE .....	7
Groundwater Contamination Notice Coordination (HB 3030, 78th Legislature)...	7
Groundwater Management Areas .....	8
Regional Water Planning .....	8
Groundwater Availability Modeling.....	8
Nonpoint Source Pollution.....	8
National Groundwater Initiatives.....	9
Drought Status .....	9
6. ANNOUNCEMENTS.....	10
Rules Update.....	10
New Publications .....	10
Upcoming Conferences.....	10
7. PUBLIC COMMENT .....	10
8. ADJOURN.....	11

## MEETING ATTENDANCE

### Committee Members

Cary Betz

Janie Hopkins

Peter Pope

David Villarreal

Richard Egg

David Van Dresar

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 Alliance of Groundwater Districts (TAGD)

Texas AgriLife Research (TAR)

University of Texas Bureau of Economic Geology (UTBEG)

Texas Department of Licensing and Regulation (TDLR)

### Agency Staff

Abiy Berehe

Lauren Bilbe

Alan Cherepon

Peggy Hunka

Kathy McCormack

Kelly Mills

Joe Peters

Rusty Ray

### Affiliation

TCEQ

TCEQ

TCEQ

TCEQ

TCEQ

TCEQ

TCEQ

TSSWCB

### Program

Water Availability Division

Water Quality Planning Division

Water Availability Division

### Interested Parties

Gretchen Ellison

Gary Franklin

Paul Weatherby

Rebecca Leamon

Joshua Grimes

Vincent Nathan

Kristine Uhlman

### Affiliation

HillCo Partners

Lower Colorado River Authority (LCRA)

Middle Pecos Groundwater Conservation District (GCD)

New H<sub>2</sub>O Horizons

Prairielands GCD

Texas A & M Health Science Center (TAMHSC)

Texas AgriLife Extension Service (TAES)

## MEETING HANDOUTS

1. Agenda for Texas Groundwater Protection Committee meeting on October 12, 2011
2. Record for Texas Groundwater Protection Committee meeting on July 20, 2011
3. Summary of Texas Groundwater Protection Committee (TGPC) Public Outreach and Education (POE) Subcommittee Meeting on September 20, 2011
4. Summary of TGPC Nonpoint Source (NPS) Task Force Meeting on September 9, 2011
5. TGPC Groundwater Research Subcommittee Charge, January 16, 2008
6. TGPC POE Subcommittee Charge, January 16, 2008
7. Oil and Gas Disposal Wells and Water Quality Frequently Asked Questions (FAQs) (TGPC members only):
  - o What is an Injection Well ?
  - o How Are Class II Oil and Gas Disposal Wells Regulated ?
  - o How Are Class II Oil and Gas Disposal Wells Regulated to Protect Water Quality ?
  - o What Are the Construction Standards for Class II Oil and Gas Disposal Wells ?
  - o What Are the Permitting Processes for a Class II Oil and Gas Disposal Well ?
  - o How Are Class II Oil and Gas Disposal Wells Monitored to Ensure That They Are Not Leaking ?
8. Drought 2011 – U.S. Drought Monitor, Texas as of October 6, 2011; U.S. Seasonal Drought Outlook October – December 2011; Public Water Supply Systems Affected as of October 5, 2011
9. TCEQ Rules Log
10. 2011 Central Texas Environmental Summit flyer
11. 2011 – 2012 Water-related Conferences in Texas, October 2011

A copy of the Oil and Gas Disposal Wells and Water Quality FAQs and the *Joint Groundwater Monitoring and Contamination Report – 2010* ([http://www.tceq.texas.gov/publications/sfr/056/056\\_10\\_index.html](http://www.tceq.texas.gov/publications/sfr/056/056_10_index.html)) were also on display in the back of the room.

## MEETING RECORD OF OCTOBER 12, 2011

### 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 1:05 PM CDT. TGPC members then introduced themselves. All member agencies except for the Department of State Health Services (DSHS) were present.

### 2. SUBCOMMITTEE REPORTS

#### Agricultural Chemicals

Joe Peters (TCEQ) reported that the TGPC Agricultural Chemicals Subcommittee met for their Fiscal Year 2012 First Quarter meeting that morning.

For the Site Selection Task Force, Alan Cherepon (TCEQ) read a report from Janie Hopkins (TWDB, Task Force Chair) stating that TWDB had sampled just over 500 water wells during the last fiscal year and was planning on sampling 350 water wells in the High Plains (in the Ogallala, Dockum, and Edwards-Trinity Aquifers) beginning in Spring 2012. Al Cherepon also handed out a draft TCEQ monitoring plan which would be discussed at the next meeting.

For the Pesticide Management Plan Task Force, Alan Cherepon (TCEQ, Task Force Co-Chair), reported that five pesticides remain to be assessed for the POINTS (Pesticides Of INterest Tracking System) database by the end of the calendar year.

Kristine Uhlman (TAES) gave a presentation on “Drought Impacts on Groundwater Resources in Texas” which included discussion of the Texas Well Owner Network (<http://twon.tamu.edu/>), the chemical effects of reduced water tables (e.g., the mobilization of arsenic), and the determination of groundwater age which is important in whether an aquifer is readily recharged.

During the Information Exchange portion of the meeting, Ed Baker (representing Albaugh Chemicals) reported on a monitoring study done by Albaugh Chemicals for the purpose of re-registering propazine. Up to five lakes in Texas were monitored from 2007 to 2010 – sampling was performed weekly during the herbicide application season and bi-weekly during the rest of the year. There were no detections of propazine until 2010 when there was a series of very low level detections of propazine in Lake Stanford. This study continues in Lake Stanford.

Alan Cherepon (TCEQ) also shared some of the questions that he planned to bring to the U.S. Environmental Protection Agency (EPA) regional Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) meeting the next day.

## Data Management

Janie Hopkins (TWDB) reported that the Data Management Subcommittee had not met since the last TGPC meeting, but planned to meet in November 2011. Cary Betz (TCEQ) will send the meeting notice to all TGPC members.

## Public Outreach and Education

Kathy McCormack (TCEQ) reported that the TGPC POE Subcommittee last met on September 20, 2011 and seven state agencies and organizations were represented.

The 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:

- TAES Water Well Screening Events
  - One since the previous TGPC POE Subcommittee meeting (141 samples)
  - Five planned through October 2011
- TAES 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 2011

The POE Subcommittee approved six Oil and Gas Disposal Wells and Water Quality FAQs with minor changes discussed at the meeting:

- What is an Injection Well ?
- How Are Class II Oil and Gas Disposal Wells Regulated ?
- How Are Class II Oil and Gas Disposal Wells Regulated to Protect Water Quality ?
- What Are the Construction Standards for Class II Oil and Gas Disposal Wells ?
- What Are the Permitting Processes for a Class II Oil and Gas Disposal Well ?
- How Are Class II Oil and Gas Disposal Wells Monitored to Ensure That They Are Not Leaking ?

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](http://www.tgpc.state.tx.us/subcommittees/POE/TGPC_POE_EduOutreachPlan_Impl_St_rat03Oct2007.pdf)) was discussed:

- Diane Boellstorff (TAES) reviewed one of the emails that had been sent in early June 2011 to selected TAES county agents across the state; these emails introduced the TGPC and announced the availability of its groundwater-related FAQs. Working with Chris Muller (TWDB), a follow-up survey is tentatively planned for November 2011 in order to evaluate TAES usage of the FAQs.
- Kathy McCormack (TCEQ) and Mel Davis (TSSWCB) briefly discussed the idea of making a similar email announcement about the availability of TGPC FAQs to

selected Soil and Water Conservation District (SWCD) representatives after the Texas SWCD Directors Annual Meeting in October 2011.

FAQs on the following topics are in various stages of revision:

- Oil and Gas Disposal Wells and Water Quality:
  - How Do the Underground Injection Control (UIC) Regulations Protect Groundwater ?
  - Who Has Jurisdiction Over the Clean-up of Class II Oil and Gas Disposal Well Contamination ?
- What are the Statewide Water Well Databases ?

The next POE Subcommittee meeting is scheduled for December 1, 2011.

#### Groundwater Research

Bridget Scanlon (UTBEG) reported that the Groundwater Research Subcommittee met that morning and had an information exchange session regarding drought. Discussion topics included:

- Readiness for another drought of record and climate change;
- A comprehensive systems approach that would incorporate economics;
- Alternative supplies; and,
- Water conservation, management, and policy.

Kevin Wagner (TAR) added that the possibility of semi-annual Groundwater Research Subcommittee meetings was also discussed.

#### Nonpoint Source

Richard Egg (TSSWCB) reported that the NPS Task Force last met on September 9, 2011 and eight state agencies and organizations were represented. A summary was presented of the Fiscal Year 2011 Fourth Quarter meeting which was held on June 3, 2011. Groundwater sections from the latest draft of the *Texas Nonpoint Source Management Program* were reviewed in detail by the NPS Task Force and suggestions for changes and editorial comments were provided. A draft of the incorporated changes was sent to NPS Task Force members for further review and comments. NPS Task Force comments on the *Texas Nonpoint Source Management Program* would be submitted during the general stakeholder and partner agencies comment period.

Because there was no pressing business for the NPS Task Force during the next quarter, it was decided that the next meeting would be the Fiscal Year 2012 Third Quarter meeting in March 2012. NPS Task Force members would be polled for their availability prior to scheduling the meeting.

### 3. PRESENTATION

#### Overview of Program for Public Health & Water Research

Vincent Nathan (TAMHSC) summarized the Program for Public Health and Water Research (PPHWR) at the Texas A&M Health Science Center's School of Rural Public Health (SRPH):

- Facts about U.S. and Texas water wells;
- Emerging threats to drinking water;
- Houston Water Indicators Study and its recommendations;
- PPHWR partnerships; and,
- Degrees offered through SRPH.

### 4. BUSINESS DISCUSSION AND POSSIBLE ACTION

#### Discuss Groundwater Research and Public Outreach and Education Subcommittee Charges

A paragraph exists in the Groundwater Research and POE Subcommittee Charges regarding a joint, annual meeting to discuss NPS issues with the TCEQ and TSSWCB NPS teams. Since the NPS Task Force has been reactivated, this meeting may not be needed. The Groundwater Research Subcommittee Charge also indicates that its meetings should be held quarterly and can be in the form of a conference call. Cary Betz (TCEQ) agreed to consult with the TGPC's Legal Counsel regarding conference calls for these public meetings and to bring this matter up again at the next TGPC meeting.

#### Review, Discuss, and Approve Publications and Popular Press Articles

Kathy McCormack (TCEQ) presented six Oil and Gas Disposal Wells and Water Quality FAQs that had previously been approved by the POE Subcommittee. David Gunn (TDLR) proposed, Bridget Scanlon (UTBEG) seconded, and all remaining TGPC members approved the six FAQs.

#### Set Future Meeting Date

The next TGPC quarterly meeting is scheduled for January 18, 2012 at 1:00 PM CST.

### 5. 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) met five times and reviewed six groundwater contamination cases in the past quarter with seven letters being mailed to private water well owners and users regarding two of these cases. The IET was still reviewing three cases that may generate 51 additional letters.

## Groundwater Management Areas

Janie Hopkins (TWDB) reported that they have received petitions from Groundwater Management Areas 7, 9, 10, 11, 12, and 13, and the results of a Groundwater Conservation District (GCD) survey on the TWDB management plan review process were being reviewed. David Van Dresar (TAGD) noted that there were some concerns that there could be delays in the petition process due to the recent TWDB reduction in staff.

## Regional Water Planning

Janie Hopkins (TWDB) reported that the draft *2012 State Water Plan* had been available for public comment starting on September 26, 2011, and comments would continue to be accepted through October 25, 2011. The *2012 State Water Plan* was available online for review (<http://www.twdb.state.tx.us/wrpi/swp/draft.asp>) and comments could be submitted in writing to Kathleen Ligon ([kathleen.ligon@twdb.state.tx.us](mailto:kathleen.ligon@twdb.state.tx.us)) or by mail to P.O. Box 13231, Austin, TX 78711. The public would also have the opportunity to comment at meetings throughout the state and at one formal public hearing on October 17, 2011 at the Stephen F. Austin building (1700 North Congress Avenue) in Austin at 6:00 PM in Room 170.

## Groundwater Availability Modeling

Janie Hopkins (TWDB) reported that:

- A job posting for a groundwater modeler position closed on September 29, 2011;
- The Annual Groundwater Availability Modeling (GAM) Technical Advisory Group meeting was held on September 26, 2011 with approximately 30 attendees; and,
- Managed Available Groundwater (MAG) values were being completed for October and November TWDB presentations (except for those related to petitions).

## Nonpoint Source Pollution

Richard Egg (TSSWCB) reported that:

- TSSWCB's Section 319 program grant Request for Proposal (RFP) for Fiscal Year 2012 (\$1.6 million) closes on October 14, 2011 (the emphasis will be on restoration and implementation of Watershed Protection Plans); and,
- Stakeholder comment on the *Texas Nonpoint Source Management Program* five-year plan closed on October 12, 2011; this feedback will be incorporated into the document and then it will go out for public comment in February 2012.

Lauren Bilbe (TCEQ) added that TCEQ would be contacting its Section 319 program grant winners within the next several weeks.

## National Groundwater Initiatives

Cary Betz (TCEQ) reported that the U.S. Department of the Interior's Advisory Committee on Water Information (ACWI, <http://acwi.gov/>) Subcommittee on Groundwater (SOGW) was nearing completion of their framework document for presentation to ACWI. Until additional funding can be secured, the next steps are the continuation and refinement of the initial five pilot programs and beginning a second round of pilot programs.

Cary Betz (TCEQ) also reported that the Ground Water Protection Council (GWPC) recently held their Annual Forum in Atlanta, Georgia and the main future focus will be on nutrients in groundwater.

Janie Hopkins (TWDB) reported that there had been two conference calls regarding a UTBEG study funded by the U.S. Centers for Disease Control (CDC) regarding "Enhancing Capacity for Environmental and Public Health Surveillance of Unregulated Drinking Water". Bridget Scanlon (UTBEG) said that the objective was to link the TWDB's private water well quality information through Google Fusion maps with data available from health-related agencies and organizations in Texas.

## 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 6, 2011, exceptional drought conditions affect 88% of the state, 100% of the state is in one of the five drought categories, and the drought is forecast to persist through at least the end of December 2011. As of October 5, 2011, of the 4,721 active community water systems in Texas, 931 (up from 551 in July 2011 and the highest on record) have been affected by drought (either voluntary or mandatory), and 684 of these use groundwater (either exclusively or partially).

Kelly Mills (TCEQ) reported that the TCEQ Water Supply Division and Small Business and Local Government Assistance Section are reaching out on a weekly basis to distressed water suppliers in order to help them understand their options for alternative supplies (e.g., deepening the well, lowering the pump, or drilling another well).

David Van Dresar (TAGD) indicated that United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) may have some funding available for private water well owners that are experiencing drought-related issues.

## 6. ANNOUNCEMENTS

### Rules Update

Cary Betz (TCEQ) referred TGPC members to the TCEQ Rules Log handout. Additional information on a specific TCEQ rule can be found at <http://www.tceq.texas.gov/rules/whatsnew.html>.

### New Publications

Cary Betz (TCEQ) announced four TCEQ publications:

- *Rainwater Harvesting with Rain Barrels, A Take Care of Texas Guide*, GI-383 (revised July 2011), <http://www.tceq.texas.gov/publications/gi/gi-383.html>;
- *Saving Water Saves Money* bill stuffer, GI-400 (revised July 2011), <http://www.tceq.texas.gov/publications/gi/gi-400.html>;
- *Savings the Size of Texas from your Lawn and Garden*, GI-417 (new July 2011), <http://www.tceq.texas.gov/publications/gi/gi-417.html>; and,
- *Joint Groundwater Monitoring and Contamination Report – 2010*, SFR-056/10 (new September 2011), [http://www.tceq.texas.gov/publications/sfr/056/056\\_10\\_index.html](http://www.tceq.texas.gov/publications/sfr/056/056_10_index.html).

Janie Hopkins (TWDB) announced two TWDB publications:

- *2012 Draft State Water Plan*, <http://www.twdb.state.tx.us/wrpi/swp/draft.asp>; and,
- *Aquifers of Texas*, Report 380, [http://www.twdb.state.tx.us/publications/reports/GroundWaterReports/GWReports/R380\\_AquifersofTexas.pdf](http://www.twdb.state.tx.us/publications/reports/GroundWaterReports/GWReports/R380_AquifersofTexas.pdf).

### Upcoming Conferences

Cary Betz (TCEQ) referred TGPC members to the conferences listed in the “2011 – 2012 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”. Cary Betz also noted the flyer for the 2011 Central Texas Environmental Summit – the TGPC may provide public outreach materials for this meeting.

Kevin Wagner (TAR) announced the 2012 Bacterial Source Tracking – State of the Science Conference in New Braunfels, Texas on February 28 – 29, 2012 (<http://texasbst.tamu.edu/2012-conference>).

## 7. PUBLIC COMMENT

Gary Franklin (LCRA) pointed out that the LCRA Environmental Laboratory can analyze groundwater constituents before and after hydraulic fracturing (“fracing”). Peter Pope (RRC) added that they are creating rules which will require oil and natural gas producers to enter their fracing information into FracFocus (<http://fracfocus.org/>), the hydraulic fracturing chemical registry website.

8. ADJOURN

Cary Betz (TCEQ) adjourned the meeting at approximately 2:30 PM CDT.