

TEXAS GROUNDWATER PROTECTION COMMITTEE
RECORD OF MEETING
 Second Quarterly Meeting, Fiscal Year 2016

Meeting Date: January 13, 2016
 Meeting No.: 113

Place: TCEQ Campus, Bldg F
 Room: 2210

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MEETING ATTENDANCE

Committee Members

Cary L. Betz

Janie Hopkins

Emily Hall

David Villarreal

T. J. Helton

David Van Dresar

John Tracy

Bridget Scanlon

David Gunn

Affiliation

Texas Commission on Environmental Quality
(TCEQ)

Texas Water Development Board (TWDB)

Texas 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 A&M AgriLife Research (AgriLife
Research)

Bureau of Economic Geology of The University of
Texas at Austin (UTBEG)

Texas Department of Licensing and Regulation
(TDLR)

Agency Staff

Abiy Berehe

Alan Cherepon

Peggy Hunka

Paul S. Lewis

Linda Ruiz McCall

Kathy McCormack

Michael Parr

L. Scott Underwood

Aaron Wendt

Marcia Workman

Affiliation

TCEQ

TCEQ

TCEQ

TCEQ

UTBEG

TCEQ

TCEQ

TCEQ

TSSWCB

TCEQ

Program

Water Availability Division

Water Availability Division

Water Availability Division

Remediation Division

Water Availability Division

Environmental Law Division

Water Availability Division

Water Availability Division

Interested Parties

Rebecca Andrews

Cindy Loeffler

Lucas Gregory

Vicky Kennedy

Garry Phillips

Affiliation

Best Best & Krieger, LLP

Texas Parks and Wildlife Department (TPWD)

Texas Water Resources Institute (TWRI)

Travis County

LyondellBasell Industries N.V.

MEETING HANDOUTS

1. Agenda for Texas Groundwater Protection Committee meeting on January 13, 2016
2. Record for Texas Groundwater Protection Committee meeting on October 21, 2015
3. Summary of Texas Groundwater Protection Committee (TGPC) Public Outreach and Education (POE) Subcommittee Meeting, December 2, 2015
4. TSSWCB Water Supply Enhancement Program flyer
5. Draft *Joint Groundwater Monitoring and Contamination Report – 2015* Table of Contents (TGPC members only)
6. Drought 2016 – U.S. Drought Monitor, Texas, January 5, 2016; U.S. Seasonal Drought Outlook, December 2015 – March 2016; Public Water Supply Systems Affected, January 6, 2016; TCEQ List of Texas Public Water Systems (PWSs) Limiting Water Use to Avoid Shortages, January 6, 2016
7. National Groundwater Awareness Week 2016 posters announcement (TGPC members only)
8. TCEQ Rules Update, 1/12/2016
9. *Texas Groundwater Protection Committee* trifold brochure, GI-088 (revised December 2015), <https://www.tceq.texas.gov/publications/gi/gi-088.html>;
10. 2016 Water-related Conferences in Texas, January 2016

The following items were also on display on the handout table:

1. TGPC Public Information Act Policy

MEETING RECORD OF JANUARY 13, 2016

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 1:12 PM CST. TGPC members then introduced themselves. The representatives from RRC and TSSWCB were not present at the beginning of the meeting.

2. SUBCOMMITTEE REPORTS

Groundwater Issues

Cary Betz (TCEQ) announced several changes in the TCEQ staff supporting the TGPC Groundwater Issues (GWI) Subcommittee, the TGPC Public Outreach and Education (POE) Subcommittee, and the TGPC Legislative Report Subcommittee. Cary Betz also reported that the TGPC GWI Subcommittee had met that morning and discussed:

- Agricultural Chemicals – Alan Cherepon (TCEQ) presented a summary of rural and urban pesticide trends in Texas, the proposed Fiscal Year (FY) 2016 groundwater pesticide monitoring plan and FY 2015 results, checks and updates of the Interagency Pesticide Database (IPD), the Pesticide Monitoring Program for the Implementation of the Texas State Management Plan for the Prevention of Pesticide Contamination of Groundwater Quality Assurance Project Plan (QAPP), and recent outreach.
- The status of four TGPC reports; and,
- Current groundwater issues based on topic summaries prepared by TCEQ staff, including Agricultural Chemicals, Brush Control, Hydraulic Fracturing, Freshwater Mussels, Emerging Contaminants, and Priority Groundwater Management Areas (PGMAs), with Saltwater Intrusion to be discussed at the next meeting.

The next GWI Subcommittee meeting would be scheduled for the morning of the next TGPC meeting in April 2016.

T.J. Helton (TSSWCB) arrived at approximately 1:16 PM CST and was present for the remainder of the meeting.

Public Outreach and Education

Kathy McCormack (TCEQ) reported that the TGPC POE Subcommittee last met on December 10, 2015, eight state agencies and organizations were represented, and the current Outreach Events Status Report (available on the POE Subcommittee webpage, <http://tGPC.state.tx.us/tGPC-subcommittees/tGPC-public-outreach-and-education-subcommittee/>, under the “Additional Resources” heading) was reviewed:

- Texas A&M AgriLife Extension Service (AgriLife Extension) Water Well Screening Events
 - Four since the previous POE Subcommittee meeting (336 samples)
 - Two planned through April 2016

- AgriLife Extension Abandoned Water Well Closure Education
 - None since the previous POE Subcommittee meeting
 - None scheduled at this time
- TGPC Exhibit Booth
 - Two since the previous POE Subcommittee meeting (130 estimated attendees)
 - Four planned through March 2016

Diane Boellstorff (AgriLife Extension) reviewed the Texas Well Owner Network (TWON) schedule of completed, confirmed, obligated, and suggested water well screening events and workshops. There have been over 5,755 samples or attendees at these events since April 2011.

The Google Analytics activity report on the TGPC website for September 8 – November 30, 2015 was reviewed and it had typical data.

Three of the four topics in the current *Texas Groundwater Protection Committee Groundwater Educational Outreach Plan* (“Plan”, http://tgpc.state.tx.us/POE/TGPC_POE_GW_EduOutreachPlan10Sep2013.pdf) were discussed at the meeting:

- Abandoned Water Wells – Diane Boellstorff (AgriLife Extension) reported that TWON had declined an invitation to be a Third-Party Administrator for a Supplemental Environmental Project (SEP, <https://www.tceq.texas.gov/legal/sep/>) regarding the plugging of abandoned water wells, but TAGD was still considering the proposal. Kathy McCormack (TCEQ) shared the recent edition of the Texas Real Estate Commission (TREC) *TREC Advisor* newsletter that had an article on plugging abandoned water wells (<http://www.trec.state.tx.us/newsandpublic/Publications/AdvisorIssues/Advisor20151022.pdf>, page 3) which was based on the TGPC Frequently Asked Question (FAQ).
- TWON – Diane Boellstorff (AgriLife Extension) reported that their latest e-letter had been sent out, their Manual (<http://twon.tamu.edu/media/358238/well-owners-guide-to-water-supply.pdf>) had received an American Society of Agronomy Extension Educational Materials Award for publications, the TWON team had received the Texas A&M AgriLife Extension Superior Service Award – Team Category, and their new graduate student had recently established Facebook and Twitter accounts for the TWON program.
- TSSWCB Water Supply Enhancement Program (WSEP) – Aaron Wendt (TSSWCB) provided a number of fact sheets, tables, maps, and report titles related to their WSEP. Eleven out of 20 proposed Fiscal Year 2016 WSEP projects had been funded for a total of \$1,777,000. Across the state, five feasibility studies were in progress and 17 were proposed. Their annual report would be published in January 2016.

With the recent update of the TGPC trifold brochure, both the TGPC overview flyer and the TGPC FAQ needed to be updated. In addition, the evapotranspiration (ET) networks FAQ was revised to reflect the termination of the Texas High Plains ET Network. All three popular press articles were approved by the POE Subcommittee with the changes discussed at the meeting. The TGPC overview flyer revision was posted on the TGPC’s

About TGPC webpage (<http://tgpc.state.tx.us/about-tgpc/>), and the FAQ revisions were posted on the TGPC's FAQ webpage (<http://tgpc.state.tx.us/frequently-asked-questions-faqs/>).

Charles Porter (St. Edwards University) was invited to share some of his thoughts on water rights, Groundwater Conservation Districts (GCDs), abandoned water wells, and the law pertaining to them. Dr. Porter was very supportive of public outreach and education in these areas, and had a number of suggestions, including the publication of an article in the *Tierra Grande, Journal of the Real Estate Center of Texas A&M University* (<https://www.recenter.tamu.edu/articles/tierra-grande/>).

The next POE Subcommittee meeting was scheduled for March 1, 2016.

John Tracy (AgriLife Research) left at approximately 1:22 PM CST, returned at approximately 1:25 PM CST, and was present for the remainder of the meeting.

3. PRESENTATION

Aaron Wendt (TSSWCB) presented an overview of their WSEP, how it meets critical water conservation needs, and how it enhances public water supplies through brush control. Highlights included:

- Range maps for mesquite, juniper, and saltcedar;
- Ecosystem services of brush control;
- Program background;
- Roles and membership of the Stakeholder and Science Advisory Committees;
- Goals and State Water Supply Enhancement Plan timeline;
- Feasibility studies, criteria for prioritizing projects, and status reviews; and,
- Relationship to the 2012 State Water Plan.

A copy of the TSSWCB WSEP *2015 Annual Report* was also passed around the table.

4. BUSINESS DISCUSSION AND POSSIBLE ACTION

Joint Groundwater Monitoring and Contamination Report - 2015 – Format and Content Approval

Abiy Berehe (TCEQ) requested TGPC approval of the draft Table of Contents and format for the *Joint Groundwater Monitoring and Contamination Report – 2015* (“*Joint Report*”). David Van Dresar (TAGD) proposed, David Gunn (TDLR) seconded, and all remaining TGPC members approved the draft Table of Contents and format for the *2015 Joint Report*.

Activities and Recommendations of the Texas Groundwater Protection Committee - Report to the 85th Legislature – Reactivation of Legislative Report Subcommittee and Appointment of Members

Cary Betz (TCEQ) announced that it was time for the TGPC Legislative Report Subcommittee to be reactivated in order to prepare the *Activities and Recommendations of the Texas Groundwater Protection Committee - Report to the 85th Legislature* (“*Legislative Report*”) for delivery to the Legislature prior to the start of the next session in January 2017. Janie Hopkins (TWDB) proposed, David Van Dresar (TAGD) seconded, and all remaining TGPC members approved reactivation of the Legislative Report Subcommittee.

The first and second Legislative Report Subcommittee meetings were scheduled for February 24, 2016 and March 23, 2016, both at 1:30 PM CST. Abiy Berehe (TCEQ) would Chair the Legislative Report Subcommittee, and all remaining TGPC members indicated that they or their alternate would serve on the Subcommittee. Cary Betz (TCEQ) said that the draft report would be available and ready for member agency review at the TGPC meeting in July 2016, with approval planned for the TGPC meeting in October 2016.

Texas Groundwater Protection Strategy – 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) suggested that the next *Texas Groundwater Protection Strategy* (“*Strategy*”) update should be modeled around the groundwater issues being discussed in the TGPC GWI Subcommittee, and he requested that GWI Subcommittee members let him know at the next meeting what they thought about developing this kind of a more dynamic *Strategy* – a procedural document which identifies and evaluates groundwater issues, along with the process by which information is exchanged and recommendations are made in order to protect the groundwater resources in the state (e.g., to the legislature, via popular press articles, etc.).

Current Groundwater Issues

Cary Betz (TCEQ) noted that at the 2016 Central Texas Eurycea Symposium on January 8, 2016 in Georgetown, Texas, biologists reported using abandoned water wells for monitoring neotenic *Eurycea* salamanders (which retain external gills and remain aquatic as adults). The TGPC POE Subcommittee has been asked to investigate this issue and perhaps generate a guidance FAQ on biological monitoring wells.

Set Future Meeting Date

The next TGPC quarterly meeting was scheduled for April 20, 2016, at 1:00 PM CDST.

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

Groundwater Contamination Notice Coordination (Texas Water Code §26.408)

Peggy Hunka (TCEQ) reported that the Impact Evaluation Team (IET) had met three times in the last quarter. One new case was presented and discussed but did not require notification. One previous case was discussed which required 25 new letters of notification because the plume had migrated; these letters were expected to be mailed by January 15, 2016. Also, 13 letters from a case that was reviewed on October 20, 2015 were mailed after the last TGPC meeting.

Cary Betz (TCEQ) announced that it had been ten years since TCEQ staff had met with TGPC members concerning the reporting of the occurrence of groundwater contamination. Cary Betz indicated that he would work with TGPC members to set up these meetings at their convenience.

Groundwater Management Areas

David Van Dresar (TAGD) reported that proposed Desired Future Conditions (DFCs) were due to TWDB by May 1, 2016 for this second round of planning and the Groundwater Management Areas (GMAs) were working on them. David Van Dresar noted that GMA 14 had already submitted their proposed DFCs, they were addressing public comments on the proposed DFCs, and appeals were expected once the final DFCs are adopted.

Regional Water Planning

Janie Hopkins (TWDB) reported that:

- All 2016 Regional Water Plans had been approved by the Board as of the January 6, 2016 Board meeting;
- They anticipated taking the draft State Water Plan (SWP) to the Board for consideration of posting for public comment early this spring;
- Temple McKinnon (TWDB) was revising some Frequently Asked Questions (FAQs) for the TGPC and had waited until the start of 2016 in order to update some of the information (e.g., the approval of the Regional Water Plans and the interactive online draft SWP); and,
- The Board also approved the inclusion of policy in the draft SWP on Regional Water Plans and the timing of DFCs which do not take effect until 2022 and may be revisited.

Groundwater Availability Modeling

Janie Hopkins (TWDB) reported that they are:

- Writing the final model report for minor aquifers in Llano Uplift area and the final model report for the Capitan Reef Complex;

- Gearing up to perform model runs for House Bill 1232;
- Transferring educational videos to their YouTube website; and,
- Preparing for a stakeholder meeting on January 14, 2016 in order to adopt the existing three models for the Bone Springs-Victoria Peak Aquifer (<http://www.twdb.texas.gov/groundwater/models/alt/bsvp/bsvp.asp>) with the public comment period ending on February 16, 2016.

Nonpoint Source Pollution

There was no discussion of this topic at the meeting.

National Groundwater Initiatives

Janie Hopkins (TWDB) reported that they had been working with their Information Technology staff on web services for the U.S. Department of the Interior Advisory Committee on Water Information (ACWI) Subcommittee on Ground Water (SOGW, <http://acwi.gov/sogw/>) National Groundwater Monitoring Network portal. Cary Betz (TCEQ) added that Janie Hopkins is one of the members of the new Program Board, and that federal funding for the National Groundwater Monitoring Network should be in place for the foreseeable future.

Cary Betz (TCEQ) reported that the U.S. Environmental Protection Agency (EPA) would be hosting several videoconferences later that month regarding their hydraulic fracturing study.

Janie Hopkins (TWDB) left at approximately 2:51 PM CST and was absent for the remainder of the meeting.

Drought Status

Cary Betz (TCEQ) referred TGPC members to the most recent U.S. Drought Monitor and TCEQ drought-affected Public Water Systems (PWSs) maps, as well as the TCEQ List of PWSs Limiting Water Use to Avoid Shortages (aka, the “180-day list”). As of January 5, 2016, only 2 % of the state was in one of the five drought categories (down from 64 % at the last meeting), and no drought conditions were forecast across the state through March 2016. As of January 6, 2016, of the 4,628 active community water systems in Texas, 1,097 were affected by drought (either voluntary or mandatory). As of January 6, 2016, 20 PWSs in the state could be out of water in 180 days or less (down from 26 at the last TGPC meeting). Cary Betz noted, however, that Texas aquifers have not recovered as quickly as Texas lakes.

6. ANNOUNCEMENTS

Rules Update

Cary Betz (TCEQ) reported on current TCEQ rulemaking that was of interest to the TGPC (this list was the same as at the last TGPC meeting, but with an insignificant date change for 2015-028-210-OW – HB 1902):

- 2015-035-290-OW – Federal Revised Total Coliform Rule (RTCR) and Ground Water Rule (GWR);
- 2015-029-295-OW – HB 2031 and HB 4097: Marine Seawater Desalination;
- 2015-028-210-OW – HB 1902: Graywater and Alternate Onsite Water Reuse;
- 2015-027-007-WS – HB 2230: TCEQ and RRC MOU;
- 2015-025-293-OW – HB 2767: Powers, Duties, and Administration of GCDs;
- 2015-024-305-CE – SB 912: Volume-Based Exemptions for Certain Accidental Discharges; and,
- 2015-022-331-WS – HB 655: Aquifer Storage and Recovery.

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 two TCEQ publications:

- *Texas Groundwater Protection Committee*, GI-088 (revised December 2015), <https://www.tceq.texas.gov/publications/gi/gi-088.html>; and,
- *Field Guide to Water Education*, GI-026 (revised October 2015), <https://www.tceq.texas.gov/publications/gi/gi-026.html>.

Upcoming Conferences

Cary Betz (TCEQ) announced that the TGPC had again prepared National Groundwater Awareness Week posters for its members. This year's event was scheduled for March 6 – 12, 2016. TGPC members were asked to make whatever requests were needed in order to display the poster during that work week at their agency.

Cary Betz (TCEQ) referred TGPC members to the conferences listed in the “2016 Water-related Conferences in Texas” handout – the current version of this handout is always available on the TGPC’s POE Subcommittee webpage at <http://tgpc.state.tx.us/tgpc-subcommittees/tgpc-public-outreach-and-education-subcommittee/> under the “Additional Resources” heading.

David Van Dresar (TAGD) offered an invitation to the presentations in the open portion of their Business Meeting on January 27, 2016.

7. PUBLIC COMMENT

There was no public comment.

8. ADJOURN

Cary Betz (TCEQ) adjourned the meeting at approximately 3:09 PM CST.