

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

Meeting Date: January 16, 2008
 Meeting No.: 76

Place: TCEQ Campus, Bldg F
 Room: 2210

TABLE OF CONTENTS

MEETING ATTENDANCE.....	2
MEETING HANDOUTS	3
MEETING RECORD OF JANUARY 16, 2008.....	4
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
3. PRESENTATIONS.....	6
4. BUSINESS DISCUSSION AND POSSIBLE ACTION	6
Activities and Recommendations of the Texas Groundwater Protection Committee, Report to the 81st Legislature, 2009 – Reactivation of Legislative Report Subcommittee and Appointment of Members.....	6
Joint Groundwater Monitoring and Contamination Report, 2007 – Format and Content Approval.....	6
Subcommittee Chairs and Texas Commission on Environmental Quality (TCEQ) / Texas State Soil and Water Conservation Board (TSSWCB) Nonpoint Source Pollution Liaison – Discuss Personnel Assignments	7
Review updates to Subcommittee Charges	7
Texas Groundwater Protection Strategy – Continue Discussion of the Update.....	8
Ethics Policy.....	8
Set Future Meeting Dates	8
5. INFORMATION EXCHANGE FOR GROUNDWATER-RELATED ACTIVITIES – STATUS UPDATE.....	8
Water Quality Inventory (305(b)) Report – TCEQ.....	8
Groundwater Contamination Notice Coordination (HB 3030, 78th Legislature) – TCEQ	8
Groundwater Management Areas – TWDB, TAGD	8
Regional Water Planning – TWDB.....	9
Groundwater Availability Modeling – TWDB.....	9
Nonpoint Source Pollution – All Agencies	9
National Groundwater Initiatives – All Agencies	10
6. ANNOUNCEMENTS.....	10
Rules Update	10
New Publications.....	11
Upcoming Conferences	11
7. PUBLIC COMMENT	12
8. ADJOURN	12

MEETING ATTENDANCE

Committee Members

Cary Betz

Robert Mace

Leslie Savage

Ken Ofunrein

Ambrose Charles

Donna Long

Richard Bowers

C. Allan Jones

Bridget Scanlon

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 Alliance of Groundwater Districts (TAGD)

Texas AgriLife Research (TAR)

University of Texas Bureau of Economic Geology (UTBEG)

Agency Staff

John Williams

Kristen Barchers

Lauren Bilbe

Patrick Roques

Sean Ables

Abiy Berehe

Alan Cherepon

Joe Peters

Richard Eyster

David Villarreal

Bruce Lesikar

Janie Hopkins

Affiliation

TCEQ

TCEQ

TCEQ

TCEQ

TCEQ

TCEQ

TCEQ

TCEQ

TDA

TDA

Texas AgriLife Extension Service (TAES)

TWDB

Program

Environmental Law Division

Monitoring Operations Division

Monitoring Operations Division

Monitoring Operations Division

Water Supply Division

Water Supply Division

Water Supply Division

Water Supply Division

Interested Parties

Naila Ahmed

Tyson Broad

Ann Ardis

Affiliation

Lower Colorado River Authority (LCRA)

Sierra Club, Lone Star Chapter

United States Geological Survey (USGS)

MEETING HANDOUTS

1. Agenda for Texas Groundwater Protection Committee meeting on January 16, 2008
2. Record for Texas Groundwater Protection Committee meeting on October 3, 2007
3. Draft Record for Texas Groundwater Protection Committee Work Session on November 7, 2007
4. Summary of Texas Groundwater Protection Committee (TGPC) Public Outreach and Education (POE) Subcommittee Meeting on December 18, 2007
5. Draft Table of Contents for the *Joint Groundwater Monitoring and Contamination Report – 2007* (“*Joint Report*”) and letter to TGPC members regarding the preparation of materials for the *Joint Report – 2007* dated January 16, 2008 (TGPC members only)
6. Draft TGPC Subcommittee and Task Force Charges
 - A. Agricultural Chemicals Subcommittee
 - B. Data Management Subcommittee
 - C. Public Outreach and Education Subcommittee
 - D. Groundwater Research Subcommittee
 - E. Legislative Report Subcommittee
 - F. Nonpoint Source Management Plan Task Force
7. Feedback from Ambrose Charles and Janie Hopkins on the draft Agricultural Chemicals Subcommittee and Data Management Subcommittee Charges, respectively
8. Draft update of the *Texas Groundwater Protection Strategy* (“*Strategy*”, TCEQ publication AS-188, http://www.tceq.state.tx.us/assets/public/comm_exec/pubs/as/188.pdf) (TGPC members only)
9. Draft TGPC Ethics Policy
10. TCEQ Rule Projects
11. TWDB Request for Proposals on Brackish Groundwater Desalination
12. TSSWCB Request for Proposals for Fiscal Year 2008 Clean Water Act Section 319(h) NPS Grant Program
13. 2008 Water-related Conferences in Texas
14. National Speleological Society 15th International Congress of Speleology brochure

MEETING RECORD OF JANUARY 16, 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 1:05 PM CST and TGPC members introduced themselves.

2. SUBCOMMITTEE REPORTS

Agricultural Chemicals

Joe Peters (TCEQ) reported that the Agricultural Chemicals Subcommittee met for their Fiscal Year 2008 Second Quarter meeting that morning.

For the Educational Task Force, Bruce Lesikar (TAES) reported on two items:

- A recent meeting in east Texas on Best Management Practices (BMPs) for water quality protection.
- A project to provide irrigation training and pesticide fact sheets; training events will take place in Lubbock, Uvalde, Hale, and Swisher Counties.

Al Cherepon (TCEQ) gave a presentation on the activities of the Pesticide Management Plan (PMP) Task Force. He described the purpose of the Task Force and initial activities in developing criteria for the selection of Pesticides of Interest (POIs) and Pesticides of Concern (POCs).

Under Business Items:

- TCEQ's proposed monitoring plan for FY 2008 was reviewed and approved. The plan will include urban pesticide screening, special monitoring, regional cooperative aquifer monitoring, and on-going monitoring.
- Al Cherepon (TCEQ) gave a quick summary of how the U.S. Environmental Protection Agency (EPA) 2007 Pesticide Water Quality Reporting Form was completed and submitted prior to the December 31, 2007 deadline.

Under Information Exchange:

- A USGS update concerning their 2008 monitoring plans was reviewed.
- David Villarreal (TDA) gave a summary of items discussed at the last State Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Issues Research Evaluation Group (SFIREG) meeting, including a promise by U.S. EPA to provide criteria for the selection of POIs and POCs.
- Al Cherepon (TCEQ) gave an update on the latest information available on groundwater pesticide contamination at the Hale County Airport (near Plainview, Texas).

Data Management

Janie Hopkins (TWDB) reported that the Data Management Subcommittee did not meet since the last TGPC meeting, but they sent the Geotechnical Research Institute (GTRI) report to a number of people for feedback. This feedback will be incorporated into Chapter V of the draft *Texas Groundwater Protection Strategy* update.

Public Outreach and Education

Bruce Lesikar (TAES) reported that the Public Outreach and Education (POE) Subcommittee last met on December 18, 2007 and seven agencies and organizations were represented.

A Frequently Asked Questions (FAQs) webpage is planned for the TGPC website. Seven draft FAQs and popular press articles for this webpage were reviewed:

1. Plugging Abandoned Water Wells
2. Capping of Water Wells for Future Use
3. Pesticides and Well Water Quality
4. What is the Relationship Between Water Levels in Wells and Groundwater Quantity ?
5. Why Monitor Groundwater Levels ?
6. Operation and Maintenance of Onsite Wastewater Systems
7. What is a Municipal Setting Designation ?

Status reports were given for recent and upcoming outreach events (available at <http://www.tgpc.state.tx.us/subcommittees/POE/POE.htm>) related to:

- TCE Water Well Screening Events
 - Two since the previous POE Subcommittee meeting (117 samples)
 - One planned through January 2008
- TCE Abandoned Water Well Closures
 - None since the previous POE Subcommittee meeting
 - One planned in Menard County, but no date set
- TGPC Booth
 - Three since the previous POE Subcommittee meeting (680 attendees)
 - None planned at this time

Also reviewed was TGPC website activity since the previous POE Subcommittee meeting. Metrics included:

- Number of unique visitors and average visitors per day
- Number of page views and the Top 5 daughter pages viewed
- Number of file downloads and the Top 5 .pdf files downloaded
- Referring websites, the Top 5 Google keyphrases, and the Top 5 Yahoo keyphrases

The next POE Subcommittee meeting is scheduled for February 21, 2008.

Groundwater Research

C. Allan Jones (TAR) reported that the Groundwater Research Subcommittee met for their Fiscal Year 2008 Second Quarter meeting that morning. The Groundwater Research Subcommittee discussed:

- The Groundwater Research Subcommittee's feedback to the draft *Texas Groundwater Protection Strategy* update;
- Potential sources of funding and calls for proposals;
- The Groundwater Research Subcommittee's final draft of its second white paper regarding brackish water and disposal of desalination reject water; and,
- The groundwater research of other agencies.

3. PRESENTATIONS

There was no presentation at this meeting.

4. BUSINESS DISCUSSION AND POSSIBLE ACTION

Activities and Recommendations of the Texas Groundwater Protection Committee, Report to the 81st Legislature, 2009 – Reactivation of Legislative Report Subcommittee and Appointment of Members

Ken Ofunrein (DSHS) proposed, Bridget Scanlon (UTBEG) seconded, and all remaining TGPC members agreed to reactivate the Legislative Report Subcommittee and approved its revised Charge with the changes discussed at the meeting.

Robert Mace (TWDB) and Leslie Savage (RRC) agreed to be members of the Legislative Report Subcommittee, and Cary Betz (TCEQ) agreed to be the Chair.

Donna Long (TSSWCB) arrived at approximately 1:22 PM CST and was present for the remainder of the meeting.

Joint Groundwater Monitoring and Contamination Report, 2007 – Format and Content Approval

Abiy Berehe (TCEQ) distributed a package to the TGPC containing:

- A letter from the TGPC Chair requesting updates for the *2007 Joint Groundwater Monitoring and Contamination Report* (“*Joint Report*”).
- A draft Table of Contents for the *2007 Joint Report* with minor changes from last year's Table of Contents:
 - Due to its transfer from DSHS, the TCEQ Radioactive Materials Division has been added on page 2.
 - The name of the Texas Agricultural Experiment Station has been changed to Texas AgriLife Research on page 3.

Abiy Berehe (TCEQ) noted that:

- Electronic copies of the material will be forwarded to the TGPC.
- Notices have been sent to all program areas of the TCEQ requesting updates for the *2007 Joint Report*.
- The submission deadline for updated information from the TGPC is February 29, 2008.
- The legislative publication deadline for the *2007 Joint Report* is April 1, 2008.

Robert Mace (TWDB) proposed, Bridget Scanlon (UTBEG) seconded, and all remaining TGPC members approved the *2007 Joint Report* draft Table of Contents.

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

Cary Betz (TCEQ) proposed, Robert Mace (TWDB) seconded, and all remaining TGPC members approved Joe Peters (TCEQ) as the Chair of the Agricultural Chemicals Subcommittee.

In deference to the new TSSWCB representative to the TGPC, Cary Betz (TCEQ) requested that discussion of the assignment of a TCEQ/TSSWCB Nonpoint Source Liaison be postponed until the next TGPC meeting.

Review updates to Subcommittee Charges

Leslie Savage (RRC) proposed, Ken Ofunrein (DSHS) seconded, and all remaining TGPC members approved the Agricultural Chemicals Subcommittee's revised Charge with the changes discussed at the meeting.

Robert Mace (TWDB) proposed, Bridget Scanlon (UTBEG) seconded, and all remaining TGPC members approved the Data Management Subcommittee's revised Charge with the changes discussed at the meeting.

Ken Ofunrein (DSHS) proposed, Bridget Scanlon (UTBEG) seconded, and all remaining TGPC members approved the Public Outreach and Education Subcommittee's revised Charge with the changes discussed at the meeting.

Leslie Savage (RRC) proposed, Donna Long (TSSWCB) seconded, and all remaining TGPC members approved the Groundwater Research Subcommittee's revised Charge with the changes discussed at the meeting.

In deference to the new TSSWCB representative to the TGPC, Cary Betz (TCEQ) requested that discussion of the Nonpoint Source Management Plan Task Force's revised Charge be postponed until the next TGPC meeting.

Texas Groundwater Protection Strategy – Continue Discussion of the Update

Cary Betz (TCEQ) will send electronic copies of the draft November 7, 2007 TGPC Work Session minutes and the draft *Texas Groundwater Protection Strategy* (“*Strategy*”) update to all TGPC members and TGPC Subcommittee Chairs. Feedback on these documents is due by March 14, 2008.

Ethics Policy

House Bill 590 was passed in the last Legislative session requiring each state agency to adopt a written ethics policy and distribute it to each employee and officer. Although it has no budget or employees, the TGPC is a state agency created by statute with state-wide regulatory authority and it must therefore comply with this new requirement.

The Attorney General of Texas and the Texas Ethics Commission developed a model ethics policy for smaller state agencies like the TGPC. The TGPC’s Legal Advisor, John Williams (TCEQ), edited the model as appropriate for the TGPC and presented a draft TGPC Ethics Policy for discussion. Minor feedback was received during the meeting, and it will be incorporated into a final draft and presented for approval at the next TGPC meeting.

Set Future Meeting Dates

The next TGPC meeting is scheduled for April 9, 2008 at 1:00 PM CDT.

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

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

Abiy Berehe (TCEQ) reported that TCEQ is working on the groundwater portion of the Water Quality Inventory (305(b)) Report and anticipates completion by April 1, 2008. Public Drinking Water (PDW) and Interagency Pesticide Database (IPD) monitoring information will be included.

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

Cary Betz (TCEQ) reported that TCEQ has issued approximately 500 letters concerning approximately 12 groundwater contamination cases over the past quarter. Cary Betz also indicated that he is the new state agency contact for TCEQ’s Impact Evaluation Team (IET) with Kelly Mills (TCEQ) as his backup.

Groundwater Management Areas – TWDB, TAGD

Robert Mace (TWDB) reported that Groundwater Management Area (GMA) 8 submitted Desired Future Conditions for the Edwards (Balcones Fault Zone), Nacatoch, Blossom,

and Woodbine Aquifers before the end of 2007. The Regional Water Planning Groups in this GMA are now required to use the resulting managed available groundwater information from these Desired Future Conditions. The remaining GMAs are making progress on defining their Desired Future Conditions by the December 1, 2010 deadline.

Robert Mace (TWDB) stated that the House Natural Resources Committee had an interim hearing on January 15, 2008 and one of their charges is to monitor joint planning and GMAs. TWDB and TAGD gave testimony at this meeting.

Robert Mace (TWDB) also reported that TWDB was developing rules related to groundwater management, primarily focused on clarifying the petition process on the reasonableness of a Desired Future Condition (Texas Administrative Code (TAC), Title 31, Part 10, Chapter 356, Subchapter D, [http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac_view=5&ti=31&pt=10&ch=356&sch=D&rl=Y](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=5&ti=31&pt=10&ch=356&sch=D&rl=Y)). TWDB voted to approve the final rules at their December 2007 Board meeting, and they become effective on January 23, 2008.

Richard Bowers (TAGD) remarked that agreeing on Desired Future Conditions is a significant decision for all involved, including those areas that are not currently part of a Groundwater Conservation District (GCD) within the GMA. In addition, cities that depend on groundwater are now actively monitoring GCD involvement in this process.

Regional Water Planning – TWDB

Robert Mace (TWDB) reported that the Regional Water Planning Groups are still in the early development stages for their 2011 Regional Water Plans which will be included in the *2012 State Water Plan*. Robert Mace added that TWDB is planning a conference on climate change that will be located in west Texas and occur in mid-2008.

Groundwater Availability Modeling – TWDB

Robert Mace (TWDB) reported that progress continues on the models, and that they have been exercised in support of joint planning in GMAs. A Request For Qualifications (RFQ) is still open for making improvements to the Edwards-Trinity Plateau model.

Nonpoint Source Pollution – All Agencies

Lauren Bilbe (TCEQ) indicated that TCEQ has two upcoming Nonpoint Source (NPS) Pollution projects related to stormwater Best Management Practices (BMPs) and monitoring springs.

Cary Betz (TCEQ) recommended that the TGPC POE and Groundwater Research Subcommittees meet with TCEQ and TSSWCB NPS Pollution representatives. C. Allan Jones (TAR) suggested that NPS Pollution topics be discussed during the next regularly scheduled TGPC Groundwater Research Subcommittee meeting.

National Groundwater Initiatives – All Agencies

Cary Betz (TCEQ) reported that the U.S. Department of the Interior's Advisory Committee on Water Information (<http://acwi.gov/>) Groundwater Subcommittee (<http://acwi.gov/sogw/index.html>) continues its efforts to include groundwater quantity and quality aspects in their draft national monitoring plan (the target date for delivery has slipped from November 2007 to June 2008). Developing a national groundwater inventory has been tasked to USGS, but there is some resistance at the state level. A meeting is planned for March 2008.

Robert Mace (TWDB) noted that he recently went to Mexico for a groundwater-related meeting, and attendees expressed interest in how Texas managed its groundwater resources. They were also amazed to hear that Texas generally doesn't have to treat its groundwater for contamination of any kind – in Mexico, they have to treat almost all of their groundwater for mostly anthropogenic contamination. Texas may benefit from favorable hydrogeology, but its overall groundwater quality is also due to the protection efforts of the state agencies and GCDs. The Mexican government is currently encouraging study of their aquifers in order to scale back pumping to sustainable levels.

6. ANNOUNCEMENTS

Rules Update

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

- Pending Proposals (14)
 - Reclaimed Water Production Facilities Rule
 - HB 3 / SB 3: Environmental Flow Standards
 - SB 3 / HB 4, HB 1391 / HB 1717: Standards for Rainwater Harvesting, Public Safety Standards
 - SB 662: Groundwater Availability for Platting
 - HB 2541: MSW Recycling Facilities & Response/Remediation for Solid Waste
 - HB 1457, HB 1719: Disposal & Storage of Carcasses
 - HB 3554, HB 1956: Regulation, Remediation, and Financial Assurance of AST's and UST's
 - HB 3220: Dry Cleaner Regulation and Remediation
 - SB 1037: Evaporation Pits
 - HB 2482: Onsite Sewage Facilities
 - HB 2654: UIC Class I Non-hazardous Rules for Water Treatment Residuals
 - HB 3838: In Situ Uranium Mining / SB 1604: Phase II
 - Hazardous Household Waste Rules Revisions
 - Texas Surface Water Quality Standards
- Proposals (0)
- Pending Adoptions (4)
 - HB 1956: PST Financial Assurance
 - HB 3098: Edwards Aquifer Fees

- SB 1604: Uranium Mining and Radioactive Waste (Phase 1)
- MSW Revisions to Chapter 305 & 330
- Adoptions (0)

Additional information on a specific rule can be found at http://www.tceq.state.tx.us/nav/rules/propose_adopt.html.

Robert Mace (TWDB) reported in Agenda Item 5, Groundwater Management Areas, on his agency's recent rulemaking activities related to Desired Future Conditions.

New Publications

Cary Betz (TCEQ) briefly reported on a number of new TCEQ publications, for example:

- *I Received a Field Citation ... What Happens Next ?* (RG-456, http://www.tceq.state.tx.us/comm_exec/forms_pubs/pubs/rg/rg-456.html)
- *Municipal Solid Waste in Texas: A Year in Review, 2006 Data Summary and Analysis* (AS-187, http://www.tceq.state.tx.us/assets/public/comm_exec/pubs/as/187_07.pdf)

Donna Long (TSSWCB) reported that TSSWCB and TCEQ are updating the TMDL guidance for lead agencies, and that TSSWCB is beginning work on the next NPS Pollution Annual Report.

Leslie Savage (RRC) announced that they have created a Barnett Shale webpage (<http://www.rrc.state.tx.us/barnettshale/index.html>) that includes several Frequently Asked Questions (FAQs) and information on surface and groundwater law.

Cary Betz (TCEQ) reported that the Central Texas Priority Groundwater Management Area (PGMA) Study Area report has been completed and filed with TCEQ's Chief Clerk on January 9, 2008 (http://www.tceq.state.tx.us/permitting/water_supply/groundwater/pgma.html).

Cary Betz (TCEQ) also referred TGPC members to the handout on TWDB's Request for Proposal (RFP) on brackish groundwater desalination and TSSWCB's RFP for Fiscal Year 2008 Clean Water Act Section 319(h) NPS Grant Program.

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. Additional information will be announced at the next TGPC meeting.

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

Cary Betz (TCEQ) also announced that National Groundwater Awareness Week is March 9 – 15, 2008. Last year, TCEQ, TWDB, and UTBEG displayed a TGPC-supplied poster on this subject in their lobbies, and the poster was also displayed in the Capitol rotunda. The TGPC is preparing enough posters this year for all TGPC member agencies and organizations to display (as well as in the Capitol again).

Robert Mace (TWDB) announced that Texas Water Day is February 5 and 6, 2008 (<http://www.twca.org/waterday/2008/>). Members of the U.S. Congress are visited and asked to support implementation of water projects and programs.

7. PUBLIC COMMENT

There was no public comment.

8. ADJOURN

Cary Betz (TCEQ) adjourned the meeting at approximately 3:25 PM CST.