

**TEXAS GROUNDWATER PROTECTION COMMITTEE
RECORD OF MEETING**

Third Quarterly Meeting, Fiscal Year 2012

Meeting Date: April 18, 2012
Meeting No.: 93

Place: TCEQ Campus, Bldg F
Room: 2210

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MEETING ATTENDANCE

Committee Members

Cary Betz

Janie Hopkins

Peter Pope

Ken Ofunrein

Richard Eyster

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)

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)

Texas Department of Licensing and Regulation (TDLR)

Agency Staff

Abiy Berehe

Alan Cherepon

Peggy Hunka

Paul S. Lewis

Kathy McCormack

Kelly Mills

Joe Peters

L. Scott Underwood

David Villarreal

Affiliation

TCEQ

TCEQ

TCEQ

TCEQ

TCEQ

TCEQ

TCEQ

TCEQ

TDA

Program

Water Availability Division

Water Availability Division

Water Availability Division

Remediation Division

Water Availability Division

Water Availability Division

Water Availability Division

Water Availability Division

Interested Parties

Dan Opdyke

David Mauk

Mike Mathis

John Bumgarner

Affiliation

Anchor QEA

Bandera County River Authority and Groundwater District

Chesapeake Energy

United States Geological Survey (USGS)

MEETING HANDOUTS

1. Agenda for Texas Groundwater Protection Committee meeting on April 18, 2012
2. Record for Texas Groundwater Protection Committee meeting on January 18, 2012
3. Summary of Texas Groundwater Protection Committee (TGPC) Public Outreach and Education (POE) Subcommittee meeting, March 1, 2012
4. Summary of Texas Groundwater Protection Committee (TGPC) Nonpoint Source (NPS) Task Force (TF) meeting, March 30, 2012
5. *Activities and Recommendations of the Texas Groundwater Protection Committee – Report to the 82nd Legislature* (TGPC members only)
6. Drought 2012 – U.S. Drought Monitor, Texas as of April 1, 2012; U.S. Seasonal Drought Outlook April – June 2012; Public Water Supply Systems Affected as of April 11, 2012
7. TCEQ Rules Update, April 18, 2012
8. Recent USGS Scientific Investigations Report (USGS email, April 13, 2012)
9. *2011 Annual Report: Managing Nonpoint Source Pollution in Texas*, TSSWCB publication SFR-066/11, <http://www.tsswcb.texas.gov/files/docs/nps-319/annual%20reports/2011ar.pdf>
10. 2012 TCEQ Environmental Trade Fair & Conference flyer and program
11. 2012 Water-related Conferences in Texas, April 2012

A TGPC-sponsored National Groundwater Awareness Week (March 11 – 17, 2012) poster was also on display in the back of the room.

MEETING RECORD OF APRIL 18, 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 1:03 PM CDST. TGPC members then introduced themselves.

2. SUBCOMMITTEE REPORTS

Agricultural Chemicals

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

For the Site Selection Task Force, Janie Hopkins (TWDB, Task Force Co-Chair) reported that they plan to sample approximately 350 water wells this year in the spring and summer. The monitoring had recently started, and most of it will be located in the High Plains. The aquifers scheduled for monitoring include the Ogallala, Dockum, and Edwards-Trinity (High Plains). Additionally, Alan Cherepon (TCEQ) reported that the TCEQ Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) monitoring this year will consist of one trip to the Panhandle starting on June 3, 2012.

For the Educational Task Force, Mark Matocha (Texas AgriLife Extension Service) reported that they had developed some educational materials for the National Pollutant Discharge Elimination System (NPDES) general pesticide permit.

For the Pesticide Management Plan Task Force, Alan Cherepon (TCEQ, Task Force Co-Chair) reported that the U.S. Environmental Protection Agency (EPA) had updated its Pesticides of Interest Tracking System (POINTS) program to allow for re-evaluation of pesticides that had already been reviewed.

During the Information Exchange portion of the meeting, Alan Cherepon (TCEQ) reported that he and David Villarreal (TDA) would be attending this year's U.S. EPA Pesticide Regulatory and Education Program (PREP) training in Montana on June 26 – 29, 2012.

Data Management

Janie Hopkins (TWDB) reported that the Data Management Subcommittee had not met since the last TGPC meeting, but that several TGPC member agencies had already responded to an online survey related to a private water well and groundwater databases initiative. The compiled survey results could be posted on the TGPC website.

Public Outreach and Education

Kathy McCormack (TCEQ) reported that the TGPC POE Subcommittee last met on March 1, 2012 and six 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:

- Texas AgriLife Extension Service (TAES) Water Well Screening Events
 - One since the previous TGPC POE Subcommittee meeting (104 samples)
 - Eight planned through July 2012
- TAES Abandoned Water Well Closures
 - None since the previous TGPC POE Subcommittee meeting
 - None planned at this time
- TGPC Booth
 - Two since the previous TGPC POE Subcommittee meeting (81 estimated attendees)
 - Four planned through August 2012

TGPC-sponsored National Groundwater Awareness Week (March 11 – 17, 2012) posters were on display in the front of the room, and they were distributed to POE Subcommittee members after the meeting to bring back to their respective agencies.

Diane Boellstorff (TAES) reviewed the schedule of Texas Well Owner Network (TWON) training sessions; tentative dates were set for May 2012 through May 2013.

Because no TAES publication reprints seem to be needed for the next fiscal year, the POE Subcommittee discussed using the reproduction allocation in this year’s TCEQ/TAES POE Contract as supplemental funding for printing the TWON Handbook.

Several POE Subcommittee members are reviewing older, existing TGPC Frequently Asked Questions (FAQs) for errors, omissions, broken links, and missing references to recent FAQs and they will bring any updated drafts to the next meeting.

Two topics 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_Strat03Oct2007.pdf) were discussed:

1. Mel Davis (TSSWCB) reported that the TGPC FAQs had been announced to Soil and Water Conservation District (SWCD) representatives in a January 25, 2012 email. A survey of SWCD representatives regarding these FAQs will be conducted later this year.
2. Kristine Uhlman (TAES) reviewed the status of the TWON Handbook, presented example maps, photos, and diagrams that would be used in it, and solicited additional photos from POE Subcommittee members. Initial feedback on the draft Table of Contents was provided, and Kristine Uhlman agreed to send the draft TWON

Handbook to Kathy McCormack (TCEQ) after the meeting so that it could be forwarded to POE Subcommittee members for comments.

The next POE Subcommittee meeting was scheduled for June 12, 2012.

Groundwater Research

Bridget Scanlon (UTBEG) reported that the Groundwater Research Subcommittee had met for their Fiscal Year 2012 Third Quarter meeting that morning. Discussion topics included:

- Drought (e.g., research opportunities regarding water availability in Texas to support the Legislature and other groups);
- Water conservation issues and some of their competing factors (e.g., cities obtaining funding for selling water and then being slow to set up drought triggers, and farmers with crop insurance that are required to irrigate even though the potential for harvesting a crop is low), along with possible incentives to counteract these factors; and,
- Alternative water supplies and related storage issues, Aquifer Storage and Recovery (ASR), desalination, conjunctive use of surface water and groundwater, and providing this information to Regional Water Planning Groups and others.

Nonpoint Source

Richard Egg (TSSWCB) reported that the Nonpoint Source (NPS) Task Force last met on March 30, 2012 for its Fiscal Year 2012 Third Quarter meeting and six state agencies and organizations were represented.

Groundwater sections of the final draft of the *Texas Nonpoint Source Management Program* were reviewed. No further comments were accepted since the comment period had ended.

The NPS Task Force then discussed the DRASTIC (“Depth to water; annual Recharge; Aquifer media; Soil media; Topography; vadose zone Impact; hydraulic Conductivity”) map and aquifer vulnerability ranking. The Texas DRASTIC assessment was conducted in the late 1980s, and there have been observations that the DRASTIC map and rankings could be more accurate and precise. The need for an update or modification was discussed. The NPS Task Force decided to survey the TGPC members to determine the need for, and usage of, the DRASTIC map and rankings. If the survey revealed a need for an update or revision, the NPS Task Force would develop a plan to revise and update the map and process. This plan would then be submitted to the TGPC for approval. The goal was to have the project completed before the next *Texas Nonpoint Source Management Program* update.

There was also a brief discussion of current NPS Watershed Protection Plan projects with groundwater components. The next NPS Task Force meeting was scheduled for June 8, 2012.

Richard Egg (TSSWCB) also requested feedback on the DRASTIC survey from TGPC members.

3. PRESENTATION

Status of the Pecos County Region Groundwater Study

John Bumgarner (USGS) presented a summary of their regional groundwater availability study of the Edwards-Trinity Aquifer in parts of Pecos, Brewster, Jeff Davis, and Reeves Counties. Resource managers are concerned with future groundwater availability and the potential effects of withdrawal increases and/or redistribution, and the scale of the existing regional Groundwater Availability Model (GAM) is too coarse to adequately simulate the Edwards-Trinity aquifer in the study area. The project will:

- Evaluate potential changes in groundwater withdrawals and distribution;
- Develop conceptual and numerical groundwater models; and,
- Use the numerical model to simulate the effects of possible pumping changes on the groundwater system.

References:

- *Data Collection and Compilation for a Geodatabase of Groundwater, Surface-Water, Water-Quality, Geophysical, and Geologic Data, Pecos County Region, Texas, 1930 – 2011*, USGS Data Series 678, <http://pubs.usgs.gov/ds/678/>; and,
- *A Conceptual Model of the Hydrogeologic Framework, Geochemistry, and Groundwater-Flow System of the Edwards-Trinity and Related Aquifers in the Pecos County Region, Texas*, USGS Scientific Investigations Report 2012–5124, <http://pubs.usgs.gov/sir/2012/5124/>.

4. BUSINESS DISCUSSION AND POSSIBLE ACTION

Activities and Recommendations of the Texas Groundwater Protection Committee – Report to the 83rd Legislature

Cary Betz (TCEQ) noted that the TGPC is obligated by its enabling statute to provide the Legislature with a summary of its activities each biennium as well as any legislation recommendations for protection of the quality of groundwater resources in Texas. The TGPC's report must be delivered to the Legislature before it convenes again on January 8, 2013. Regarding the report's possible contents, and considering that it has been over 20 years since the TGPC was created, Cary Betz posed the following questions:

- Is there still merit in having a Texas Groundwater Protection Committee ? If so, is the TGPC's original purpose still valid ?
- The amount of groundwater contamination cases that are reported each year continues to drop, and it appears that regulatory programs have been effective and that groundwater quality is being protected in the state – is there still merit in the TGPC producing an annual *Joint Groundwater Monitoring and Contamination Report* ? Since the TGPC has rarely met the April 1st publication deadline for the *Joint Groundwater Monitoring and Contamination Report* due to difficulties in compiling a

year's worth of TGPC member agency data, should that date be moved to June 1st ?
Or does the Legislature desire a more real-time groundwater contamination reporting system ?

- Does the focus of the TGPC need to change, perhaps by becoming more involved in groundwater quantity issues ?
- Is there still merit in producing a TGPC Legislative Report with legislation recommendations ?
- Since the TGPC does not have any staff or budget, and therefore is not subject to periodic Sunset Reviews, is the TGPC Legislative Report the right forum to ask the Legislature these questions ?

Kevin Wagner (TAR) proposed, Richard Eyster (TDA) seconded, and all remaining TGPC members approved reactivation of the Legislative Report Subcommittee. Kelly Mills (TCEQ) will Chair the Subcommittee, and all TGPC members agreed to represent their agency on this Subcommittee. The next two Legislative Report Subcommittee meetings were scheduled for May 9, 2012 and June 13, 2012.

Peggy Hunka (TCEQ) requested that each TGPC member provide information at the first Legislative Report Subcommittee meeting on any Legislative action that was in response to a recommendation in the previous report.

Set Future Meeting Date

The next TGPC quarterly meeting was scheduled for July 18, 2012 at 1:00 PM CDST.

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) had reviewed 11 new groundwater contamination cases in the past quarter and mailed 173 notices to private drinking well owners. Peggy Hunka indicated that most cases reviewed by the IET are located in the Houston area, and Cary Betz (TCEQ) noted that most of these cases are related to Leaking Petroleum Storage Tanks (LPSTs).

Groundwater Management Areas

Janie Hopkins (TWDB) reported that Governor Perry appointed Billy Bradford (from Brownsville) as TWDB Chairman effective on April 20, 2012. In addition, their Groundwater Resources Division recently filled three positions: a temporary Playa Researcher through August, and two groundwater modelers (Radu Boghici and Will Kohlrenken).

Janie Hopkins (TWDB) reported that petitions for Groundwater Management Areas (GMAs) 9 and 13 were presented at the March 1, 2012 Board meeting with the

recommendation that they were reasonable. TWDB is working on completing final Managed Available Groundwater (MAG) reports (the MAG for GMA 13 is on hold pending final boundary adjustment for Plum Creek Conservation District and Gonzales County Underground Water Conservation District). Petitions from GMAs 7 and 10 regarding the reasonableness of Desired Future Conditions (DFCs) will be presented at the April 19, 2012 Board meeting, and a Request for Qualifications will be proposed for two GAM-related projects.

David Van Dresar (TAGD) noted that three or four Groundwater Conservation Districts are still waiting for GMA petition review, and planning is underway for the next round of DFCs.

Regional Water Planning

Janie Hopkins (TWDB) reported that they are going to the Board with rule revisions for Title 31 of the Texas Administrative Code (TAC) Chapters 355, 357, and 358 in April 2012. Most of the existing rule content remains in some form within the proposed revised rules, but with significant overall reorganization for simplicity and clarity. This reorganization reflects how regional water planning groups already perform the associated work and have presented the information in previous regional water plans. The section on conservation and drought requirements has been significantly reworked.

Groundwater Availability Modeling

Janie Hopkins (TWDB) reported that they are finalizing a review of an updated model for the northern portion of the Ogallala Aquifer for consideration as a GAM which should be complete by May 2012. They are nearing completion of three models: Presidio-Redford Bolsons of the West Texas Bolsons (developed in-house), a localized model of the Seymour model focused in Haskell, Knox, and Baylor counties (modeled in-house), and a contracted model for the Rustler Aquifer (the draft deliverables are currently under review).

Nonpoint Source Pollution

Richard Egg (TSSWCB) reported that TCEQ and TSSWCB are addressing the public comments received on the update to the *Texas Nonpoint Source Management Program* five-year plan. The document will be presented at both agency Boards in May 2012, and if approved, it will then require the Governor's signature.

National Groundwater Initiatives

Cary Betz (TCEQ) reported that he would be attending the National Water Quality Monitoring Council Conference on April 30 – May 4, 2012.

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 April 10, 2012, exceptional drought conditions affected 13% of the state (down from 25% at the last meeting), but 83% of the state was still in one of the five drought categories, and the drought was forecast to persist in the western half of the state through the end of June 2012. As of April 11, 2012, of the 4,709 active community water systems in Texas, 1,000 were still affected by drought (either voluntary or mandatory), and 682 of these use groundwater (either exclusively or partially). Richard Egg (TSSWCB) noted that, for various reasons, public water systems are often slow to lift drought restrictions.

6. ANNOUNCEMENTS

Rules Update

Cary Betz (TCEQ) referred TGPC members to the TCEQ Rules Update handout and noted TCEQ rulemaking for the Federal Ground Water Rule (2011-056-290-OW) and the Use of a Class I Well for Disposal of Certain Wastes through Underground Injection into a Bedded Salt Formation (2011-023-331-WS). Rulemaking mentioned at the last meeting related to the Edwards Aquifer has not yet been proposed. Additional information on a specific TCEQ rule can be found at <http://www.tceq.texas.gov/rules/whatsnew.html>.

David Gunn (TDLR) announced that they were updating the Water Well Drillers Rules which should be reviewed at a Water Well Drillers and Pump Installers Advisory Council and Authority meeting in June 2012.

Peter Pope (RRC) reported that they were proposing amendments to Hydraulic Fracturing Flowback Water recycling rules (<http://www.rrc.state.tx.us/rules/draft.php>). Peter Pope added that they were reviewing Hydraulic Fracturing Chemical Disclosure Requirements (Title 16 TAC Chapter 3 Rule 29) in regards to distinguishing between the sources of water that are used which would be reported to FracFocus (<http://fracfocus.org/>).

New Publications

Cary Betz (TCEQ) referred TGPC members to the “Recent USGS Scientific Investigations Report” email and the TSSWCB publication, *2011 Annual Report: Managing Nonpoint Source Pollution in Texas*, SFR-066/11 (January 2012), <http://www.tsswcb.texas.gov/files/docs/nps-319/annual%20reports/2011ar.pdf>. Cary Betz also announced one TCEQ publication, *Iniciativa fronteriza de la TCEQ* (The TCEQ Border Initiative), GI-392esp (February 2012), http://www.tceq.texas.gov/assets/public/comm_exec/pubs/gi/gi-392esp.pdf.

Richard Egg (TSSWCB) announced the TWDB/TSSWCB publication, *An Assessment of Water Conservation – Report to 82nd Legislature*,
http://www.tsswcb.texas.gov/files/docs/waterconservation/TWDBTSSWCB_82nd.pdf.

Upcoming Conferences

Cary Betz (TCEQ) referred TGPC members to the conferences listed in the “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 requested TGPC member agency assistance with staffing shifts in the TGPC exhibit booth at the TCEQ Environmental Trade Fair on May 1 – 2, 2012.

Cary Betz (TCEQ) also requested updated representative designation letters from TGPC member agencies that have had recent executive management changes.

7. PUBLIC COMMENT

There was no public comment at the meeting.

8. ADJOURN

Cary Betz (TCEQ) adjourned the meeting at approximately 2:23 PM CDST.