

**TEXAS GROUNDWATER PROTECTION COMMITTEE**  
**RECORD OF MEETING**  
 Second Quarterly Meeting, Fiscal Year 2017

Meeting Date: January 18, 2017  
 Meeting No.: 117

Place: TCEQ Campus, Bldg F  
 Room: 2210

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## MEETING ATTENDANCE

### Committee Members

Cary L. Betz

Larry French

Peter Pope

Emily Hall

David Van Dresar

John Tracy

Linda Ruiz McCall

David Gunn

### Affiliation

Texas Commission on Environmental Quality (TCEQ)

Texas Water Development Board (TWDB)

Railroad Commission of Texas (RRC)

Texas Department of State Health Services (DSHS)

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

Megan Brown

Leon Byrd

Mike Chadwick

Alan Cherepon

Glory Green

Cindy Hooper

Kimberly Horndeski

Peggy Hunka

Allison Jenkins

Kevin Kluge

Paul S. Lewis

Cindy Loeffler

Kathy McCormack

Hayden Ross

L. Scott Underwood

Marcia Workman

### Affiliation

TCEQ

TCEQ

TCEQ

TCEQ

TCEQ

DSHS

TCEQ

Texas Comptroller of Public Accounts (CPA)

TCEQ

TCEQ

TWDB

TCEQ

Texas Parks and Wildlife Department (TPWD)

TCEQ

TCEQ

TCEQ

TCEQ

### Program

Water Availability Division

Toxicology Division

Water Use and Projections

Remediation Division

Water Availability Division

Water Availability Division

Water Availability Division

Water Availability Division

### Interested Parties

Chris Braun

Chris Harper

Ken Kramer

Christopher Mullins

Gary Pandolfi

Hillary Schneider

### Affiliation

United States Geological Survey (USGS)

United States Fish and Wildlife Service (USFWS)

Sierra Club

Sierra Club

USFWS

The Lane Construction Corporation

## MEETING HANDOUTS

1. Agenda for Texas Groundwater Protection Committee meeting on January 18, 2017
2. Record for Texas Groundwater Protection Committee meeting on October 19, 2016
3. Summary of Texas Groundwater Protection Committee (TGPC) Groundwater Issues (GWI) Subcommittee Meeting, December 14, 2016
4. Summary of Texas Groundwater Protection Committee (TGPC) Public Outreach and Education (POE) Subcommittee Meeting, December 2016
5. *Activities and Recommendations of the Texas Groundwater Protection Committee – Report to the 85th Legislature*  
([https://www.tceq.texas.gov/assets/public/comm\\_exec/pubs/sfr/047-16.pdf](https://www.tceq.texas.gov/assets/public/comm_exec/pubs/sfr/047-16.pdf))
6. Draft Texas Groundwater Protection Committee, Public Outreach and Education Subcommittee, Subcommittee Charge, January 18, 2017
7. Final Draft *The Process for Independent Data Sources to Submit Information to the TGPC for Consideration in PGMA Studies* white paper
8. Final Draft *How Do Alluvial Pumping and Groundwater Withdrawals Affect Freshwater Mussels?* white paper
9. Draft *Joint Groundwater Monitoring and Contamination Report – 2016* Table of Contents
10. Drought 2017 – U.S. Drought Monitor, Texas, January 10, 2017; Public Water Supply Systems Affected, January 11, 2017; TCEQ List of Texas PWSs Limiting Water Use to Avoid Shortages, January 12, 2017; U.S. Seasonal Drought Outlook, December 2016 – March 2017, December 15, 2016
11. National Groundwater Awareness Week 2017 posters announcement
12. TCEQ Rules Update, 1/18/2017
13. 2017 Water-related Conferences in Texas, January 2017

The following item was also on display on the handout table:

1. TGPC Public Information Act Policy

## MEETING RECORD OF JANUARY 18, 2017

### 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 CST. TGPC members then introduced themselves. The representatives from the Texas Department of Agriculture (TDA) and Texas State Soil and Water Conservation Board (TSSWCB) were not present at the meeting, and the representative from the UTBEG was not present at the beginning of the meeting.

### 2. SUBCOMMITTEE REPORTS

#### Legislative Report

Discussion of this topic was moved to the Business Discussion and Possible Action portion of the meeting.

#### Groundwater Issues

Kathy McCormack (TCEQ) reported that the TGPC GWI Subcommittee had met on December 14, 2016 and 12 state and federal agencies and organizations were represented.

The current Agricultural Chemicals Task Force Status Report (available on the GWI Subcommittee webpage, <http://tgpc.state.tx.us/tgpc-subcommittees/tgpc-groundwater-issues-subcommittee/>, under the “Additional Resources” heading) was reviewed with the highlights listed below:

- Fiscal Year (FY) 2017 Draft Pesticide Groundwater Monitoring Plan:
  - Cooperative Monitoring of the Gulf Coast Aquifer – Atrazine (about 150 samples from the Texas Water Development Board (TWDB)), and possibly 2,4-D and others; and,
  - On-Going Monitoring – The Texas Panhandle Public Water Supply (PWS) wells with previous high atrazine detects – Atrazine and 2,4-D by immunoassay and Method 525.2 by DSHS lab ( $\leq 20$  samples).
- Cooperative and Pollinator Protection monitoring results from 2016 were sent to the U.S. Environmental Protection Agency (EPA) and Region 6 EPA;
- Alan Cherepon (TCEQ) had begun downloading the 2014 – 2016 USGS data, but this would require some assistance from USGS in order to complete the task;
- Alan Cherepon (TCEQ) had attended the semi-annual Region 6 EPA Pesticide meeting on October 12-13, 2016 in Dallas and provided a presentation on our Pollinator Protection monitoring in 2016, and he had attended the annual Texas Plant Protection Association conference on December 6 – 7, 2016 in Bryan and conducted public outreach and education at the Agricultural Chemicals Task Force of the Groundwater Issues Subcommittee exhibit booth;
- TCEQ was considering revisions to the Pesticide Management Plan in 2017 since this was last revised in 2000;

- The revised Quality Assurance Project Plan, which was sent to Region 6 EPA in Dallas on August 25, 2016, was approved, signed on October 24, 2016, and was valid through October 24, 2017; and,
- Updates to the Pesticides of Interest Tracking System (POINTS) database were made on November 28, 2016; although glyphosate monitoring indicated that a high percentage of samples had detects, the concentrations were so low (unlike some atrazine detects in the past), it had not yet been added to the pesticides of concern list, and while glyphosate was re-evaluated, no changes to the POINTS database were made other than indicating that it was re-evaluated in 2016.

The current TGPC Publications Status Report (also available on the GWI Subcommittee webpage) was reviewed with the highlights listed below:

- *Activities and Recommendations of the Texas Groundwater Protection Committee: Report to the 85th Legislature (“Legislative Report”, TCEQ publication SFR-047):*
  - TCEQ staff updated the final draft report and it was presented and approved at the October 2016 TGPC meeting;
  - The final report was currently in the TCEQ publication process; and,
  - The final report would be distributed to the Legislature before the session begins on January 10, 2017.

The following current groundwater issues were briefly discussed:

- Water Supply Enhancement Program;
- Hydraulic Fracturing;
- Emerging Contaminants (i.e., Per- and Polyfluoroalkyl Substances (PFASs));
- Border Groundwater; and,
- Others (i.e., the TWDB Brackish Resources Aquifer Characterization System (BRACS) program’s recent publication).

The *Texas Groundwater Protection Committee (TGPC) Groundwater Issues (GWI) Subcommittee Annual Report (“Annual Report”)* that had been presented to the TGPC at their October 19, 2016 meeting was reviewed.

Mike Chadwick (TCEQ) presented the final draft of *The Process for Independent Data Sources to Submit Information to the TGPC for Consideration in PGMA Studies* white paper. The white paper was approved by the GWI Subcommittee with the changes discussed at the meeting, and it would be presented to the TGPC for approval at their January 18, 2017 meeting.

Cindy Loeffler (TPWD) presented the final draft of the *How Does Alluvial Pumping and Groundwater Withdrawals Affect Freshwater Mussels ?* white paper. David Van Dresar (TAGD) did not approve it, but the remaining members approved the white paper with the changes discussed at the meeting, and it would be presented to the TGPC for approval at their January 18, 2017 meeting.

The draft *Texas Groundwater Protection Committee (TGPC) Groundwater Issues (GWI) Subcommittee Fiscal Year 2018 – 2019 Activity Plan* was presented to the members and it would be discussed further at the next meeting.

The next GWI Subcommittee meeting was scheduled for March 8, 2017.

Linda Ruiz McCall (UTBEG) arrived at approximately 1:16 PM CST and was present for the remainder of the meeting.

#### Public Outreach and Education

Peggy Hunka (TCEQ) reported that the TGPC POE Subcommittee had met on December 14, 2016 and six state agencies and organizations were represented.

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
  - One since the previous POE Subcommittee meeting
  - Four planned through March 2017
- TGPC Exhibit Booth
  - Texas Plant Protection Association (TPPA) Annual Conference held on December 6 – 7, 2016 in Bryan had an estimated 62 views.

Diane Boellstorff (AgriLife Extension) reviewed the Texas Well Owner Network (TWON) schedule of completed, confirmed, obligated, and suggested water well one-day training events and workshops. There have been over 6,580 samples or attendees at TWON events since April 2011.

The Google Analytics activity report on the TGPC website for September 14, 2016 through December 11, 2016 was reviewed.

Ashley Wendt (TSSWCB) brought a detailed report on their Water Supply Enhancement Program. No other updates on the other three topics in the current *Texas Groundwater Protection Committee Groundwater Educational Outreach Plan* (“Plan”, [http://tgpc.state.tx.us/POE/TGPC\\_POE\\_GW\\_EduOutreachPlan10Sep2013.pdf](http://tgpc.state.tx.us/POE/TGPC_POE_GW_EduOutreachPlan10Sep2013.pdf)) were given.

The POE Subcommittee discussed updates to the *Plan*. It was decided that an update to the Introduction was needed and that each champion would look over their respective sections for updates.

The Frequently Asked Question (FAQ) on Groundwater Monitoring Wells was given a final review and with a minor change was approved by the POE Subcommittee. This

FAQ would be presented to the TGPC at their next meeting. A draft FAQ on Licensed Texas Water Treatment Specialists was also reviewed.

The next POE Subcommittee meeting was scheduled for March 8, 2017.

### 3. PRESENTATION

Kevin Kluge (TWDB) gave TGPC members a presentation on State Water Planning, including a demonstration of the new interactive database (<https://2017.texasstatewaterplan.org/statewide>) for the *2017 State Water Plan* (<http://www.twdb.texas.gov/waterplanning/swp/2017/index.asp>). Information was provided on why planning is important, the planning process, and the cost of not implementing the plan.

### 4. BUSINESS DISCUSSION AND POSSIBLE ACTION

*Activities and Recommendations of the Texas Groundwater Protection Committee – Report to the 85th Legislature – Status of Final Report and Delivery to the Legislature*

Abiy Berehe (TCEQ) reported that the *Activities and Recommendations of the Texas Groundwater Protection Committee – Report to the 85th Texas Legislature* ([https://www.tceq.texas.gov/assets/public/comm\\_exec/pubs/sfr/047-16.pdf](https://www.tceq.texas.gov/assets/public/comm_exec/pubs/sfr/047-16.pdf)) was distributed to the statutorily-required elected officials on December 16, 2016, and it was also posted on the TGPC website.

#### Legislative Report Subcommittee Deactivation

David Van Dresar (TAGD) proposed, John Tracy (AgriLife Research) seconded, and all remaining TGPC members approved deactivation of the Legislative Report Subcommittee.

#### Public Outreach and Education Subcommittee Charge Update

Cary Betz (TCEQ) presented a draft update to the TGPC POE Subcommittee Charge. TGPC members were asked to review the document for more discussion and possible action at the next TGPC meeting.

#### *The Process for Independent Data Sources to Submit Information to the TGPC for Consideration in PGMA Studies* White Paper

Cary Betz (TCEQ) presented *The Process for Independent Data Sources to Submit Information to the TGPC for Consideration in PGMA Studies* white paper. David Van Dresar (TAGD) proposed, Linda Ruiz McCall (UTBEG) seconded, and all remaining TGPC members approved the white paper with the changes discussed at the meeting. The white paper would be posted on the TGPC Groundwater Issues Subcommittee

webpage (<http://tgpc.state.tx.us/tgpc-subcommittees/tgpc-groundwater-issues-subcommittee/#Resources>).

### *How Do Alluvial Pumping and Groundwater Withdrawals Affect Freshwater Mussels ?* White Paper

Cary Betz (TCEQ) presented the *How Do Alluvial Pumping and Groundwater Withdrawals Affect Freshwater Mussels?* white paper, and Cindy Loeffler (TPWD) provided additional background information. The white paper would be updated with the changes discussed at the meeting and then sent to the TGPC members so that they could review it with their management before the next TGPC meeting.

David Gunn (TDLR) left at 2:46 PM CST, returned at 2:49 PM CST, and was present for the remainder of the meeting.

### Current Groundwater Issues

Cary Betz (TCEQ) requested TGPC approval of the format and draft Table of Contents for the *Joint Groundwater Monitoring and Contamination Report – 2016* (“*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 *2016 Joint Report*.

### Set Future Meeting Date

The next TGPC quarterly meeting was scheduled for April 19, 2017 at 1:00 PM CDT.

## 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 five times during the last quarter and reviewed 10 groundwater contamination cases. Notification letters were recommended for 44 private water well owners, 12 letters had been mailed so far, and the remaining letters were still within the 30-day notification timeline.

### Groundwater Management Areas

David Van Dresar (TAGD) reported that the Groundwater Conservation Districts (GCDs) and Groundwater Management Areas (GMAs) were waiting on TWDB activities so that they could complete their part of the Desired Future Condition (DFC) process.

Larry French (TWDB) added that:

- Most GMAs had adopted their DFCs;

- Two GMAs (GMA 11 and GMA 16) had adopted their DFCs in January 2017; and,
- As of January 2017, TWDB had received two petitions protesting the DFC adopted by the Lone Star GCD (GMA 14), and TWDB staff were preparing the scientific and technical evaluation of the DFC as required by state law for the State Office of Administrative Hearings (SOAH).

### Regional Water Planning

Larry French (TWDB) reported that:

- Revisions to Texas Administrative Code (TAC) Title 31 Chapter 357 (regional water planning administrative rules) became effective December 8, 2016, and they included a Modeled Available Groundwater (MAG) Peak Factor which must be approved by the applicable GCD and TWDB; and,
- Draft projections for population and water demand were provided to the Regional Water Planning Groups on December 21, 2016, and they would be reviewing them throughout the year.

### Groundwater Availability Modeling

Larry French (TWDB) reported that:

- In November 2016, they completed three Groundwater Availability Models (GAMs):
  - The eastern arm of the Capitan Reef Complex Aquifer;
  - A hybrid model for the Bone Spring-Victorio Peak Aquifer; and,
  - The minor aquifers in the Llano Uplift area.
- They had just released the GAM for the Brazos River Alluvium Aquifer; and,
- They were working on contracts for three groundwater-related projects:
  - A conceptual model for extending and enhancing the GAM for the Hill Country portion of the Trinity Aquifer;
  - Identification of the vulnerability of the major and minor aquifers of Texas to subsidence; and,
  - An update to the existing GAM for the northern portion of the Carrizo-Wilcox Aquifer.

### Nonpoint Source Pollution

There was no discussion of this topic at the meeting.

### National Groundwater Initiatives

There was no discussion of this topic at 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

10, 2017, 25 % of the state was classified as D0 through D3, up 3 % from the last TGPC meeting, and the U.S. Seasonal Drought Outlook map forecast that drought development was likely in the eastern portion of the state through March 2017. As of January 11, 2017, of the 4,643 active community water systems in Texas, 1,086 were affected by drought (either voluntary or mandatory) and 721 of these used groundwater (either partially or exclusively). As of January 12, 2017, 11 PWSs in the state could be out of water in 180 days or less (the same at the last TGPC meeting).

## 6. ANNOUNCEMENTS

### Rules Update

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

- 2017-008-007-LS – TxDOT and TCEQ MOU: Environmental Reviews;
- 2016-042-309-OW – Amendment of Chapters 222 and 309 Relating to Beneficial Reuse Credits;
- 2016-041-101-AI – Emissions Banking and Trading Revisions for Area and Mobile Source Credit Generation;
- 2016-034-336-WS – Frequency of Rate Adjustment-disposal of LLRW;
- 2016-027-111-CE – Amend Prescribed Burning Rules;
- 2016-022-331-WS – Permit Streamlining Pre-Injection Units;
- 2016-019-334-CE – Implementation of Federal PST Rule Updates;
- 2016-002-307-OW – Triennial Revision of 30 TAC Chapter 307, Texas Surface Water Quality Standards;
- 2015-035-290-OW – Revised Total Coliform Rule Plus (RTCR Plus);
- 2015-027-007-WS – HB 2230: TCEQ and RRC MOU;
- 2014-036-308-OW – Federal Cooling Water Intake Structure Regulations; and,
- 2013-057-291-OW – HB 1600 and SB 567: PUC Transfer.

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

### New Publications

Cary Betz (TCEQ) reported that there had been no new TCEQ publications of interest to the TGPC during the last quarter, but that the U.S. Environmental Protection Agency (EPA) had recently published their final report, *Hydraulic Fracturing for Oil and Gas: Impacts from the Hydraulic Fracturing Water Cycle on Drinking Water Resources* (<https://www.epa.gov/hfstudy>).

Larry French (TWDB) announced the publication of the *Texas Aquifers Study: Groundwater Quantity, Quality, Flow, and Contributions to Surface Water* ([http://www.twdb.texas.gov/groundwater/docs/studies/TexasAquifersStudy\\_2016.pdf](http://www.twdb.texas.gov/groundwater/docs/studies/TexasAquifersStudy_2016.pdf)) which fulfilled the requirements of House Bill 1232. In addition, four final reports on brackish groundwater production zones required by House Bill 30 were also recently

published (<http://www.twdb.texas.gov/innovativewater/bracs/HB30.asp>, under the Final Reports heading).

#### Upcoming Conferences

Cary Betz (TCEQ) referred TGPC members to the conferences listed in the “2017 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.

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 5 – 11, 2017. TGPC members were asked to make whatever requests were needed in order to display the poster during that work week at their agency.

#### 7. PUBLIC COMMENT

There was no public comment.

#### 8. ADJOURN

Cary Betz (TCEQ) adjourned the meeting at approximately 3:22 PM CST.