

TEXAS GROUNDWATER PROTECTION COMMITTEE
RECORD OF MEETING
 Fourth Quarterly Meeting, Fiscal Year 2012

Meeting Date: July 18, 2012
 Meeting No.: 94

Place: TCEQ Campus, Bldg F
 Room: 2210

TABLE OF CONTENTS

MEETING ATTENDANCE	2
MEETING HANDOUTS	3
MEETING RECORD OF JULY 18, 2012.....	4
1. CALL TO ORDER AND INTRODUCTIONS	4
2. SUBCOMMITTEE REPORTS.....	4
Agricultural Chemicals	4
Data Management	4
Public Outreach and Education.....	5
Groundwater Research.....	6
Nonpoint Source	6
Legislative Report.....	7
3. PRESENTATION.....	7
4. BUSINESS DISCUSSION AND POSSIBLE ACTION.....	7
Activities and Recommendations of the Texas Groundwater Protection Committee – Report to the 83rd Legislature – Continue Discussion of the Report Designation of a Public Information Officer for the Texas Groundwater Protection Committee – Records Retention	8
Set Future Meeting Date	8
5. INFORMATION EXCHANGE FOR GROUNDWATER-RELATED ACTIVITIES – STATUS UPDATE	8
Groundwater Contamination Notice Coordination (HB 3030, 78th Legislature)...	8
Groundwater Management Areas	8
Regional Water Planning	8
Groundwater Availability Modeling.....	9
Nonpoint Source Pollution.....	10
National Groundwater Initiatives.....	10
Drought Status	10
6. ANNOUNCEMENTS.....	11
Rules Update.....	11
New Publications	11
Upcoming Conferences.....	11
7. PUBLIC COMMENT	11
8. ADJOURN.....	11

MEETING ATTENDANCE

Committee Members

Cary Betz

Janie Hopkins

Bill Renfro

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)

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

Adam Aldrete

Abiy Berehe

Alan Cherepon

David Hastings

Kathy Humphreys

Richard A. Hyde, P.E.

Isaac Jackson

Ann Leitch

Kathy McCormack

Kelly Mills

Briana Novian

Joe Peters

L. Scott Underwood

Allison Woodall

David Villarreal

Affiliation

TCEQ

TDA

Program

Environmental Law Division

Water Availability Division

Water Availability Division

Water Quality Division

Environmental Law Division

Deputy Executive Director

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Environmental Law Division

Water Availability Division

Water Availability Division

Environmental Law Division

Water Availability Division

Water Availability Division

Water Availability Division

Interested Parties

Gary Franklin

Dan Hunter

Jonathan Stinson

Affiliation

Lower Colorado River Authority (LCRA), Barton Springs / Edwards Aquifer Conservation District (BSEACD)

Texas Institute for Applied Environmental Research (TIAER)

Texas Governor's Office

MEETING HANDOUTS

1. Agenda for Texas Groundwater Protection Committee meeting on July 18, 2012
2. Record for Texas Groundwater Protection Committee meeting on April 18, 2012
3. Summary of Texas Groundwater Protection Committee (TGPC) Public Outreach and Education (POE) Subcommittee meeting, June 12, 2012
4. Summary of Texas Groundwater Protection Committee (TGPC) Nonpoint Source (NPS) Task Force (TF) meeting, June 8, 2012
5. Draft *Activities and Recommendations of the Texas Groundwater Protection Committee – Report to the 83rd Legislature* and draft Appendix 1 (TGPC members only)
6. Drought 2012 – U.S. Drought Monitor, Texas as of July 10, 2012; U.S. Seasonal Drought Outlook July – September 2012; Public Water Supply Systems Affected as of July 11, 2012
7. TCEQ Rules Update, July 17, 2012
8. 2012 TCEQ Public Drinking Water Conference flyer
9. 2012 Water-related Conferences in Texas, July 2012

MEETING RECORD OF JULY 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 1:07 PM CDST. 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 (FY) 2012 Fourth Quarter meeting that morning.

For the Site Selection Task Force, Janie Hopkins (TWDB, Task Force Co-Chair) reported on their sampling activities: 206 wells so far, and over 90 more expected to be sampled before the end of the season.

For the Educational Task Force, Mark Matocha (Texas AgriLife Extension Service) reported that they, in cooperation with TCEQ and the U.S. Environmental Protection Agency (EPA), had developed an informational brochure entitled “What You Need to Know About the Texas Pesticides General Permit”.

For the Pesticide Management Plan Task Force, Alan Cherepon (TCEQ, Task Force Co-Chair) reported that all 57 Pesticides of Interest have been evaluated for Texas and the results entered into the U.S. EPA’s online Pesticides of Interest Tracking System (POINTS).

David Villarreal (TDA) and Alan Cherepon (TCEQ) gave a presentation on their recent participation in a U.S. EPA Pesticide Regulatory Education Program (PREP) Water Quality Course. The theme for this year’s PREP Course was “Pesticides and Water Quality”, and they reported on several topics including a Universal Pesticide Analysis Method and a Congressional plan to eliminate the need for the Pesticide General Permit by an addition to the Farm Bill.

Data Management

Janie Hopkins (TWDB) reported that the Data Management Subcommittee had not met since the last TGPC meeting, but she is working on a short database survey that may be posted on the TGPC website.

Public Outreach and Education

Kathy McCormack (TCEQ) reported that the TGPC POE Subcommittee last met on June 12, 2012 and eight 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
 - Six since the previous TGPC POE Subcommittee meeting (339 samples)
 - Four planned through November 2012
- TAES Abandoned Water Well Closures
 - None since the previous TGPC POE Subcommittee meeting
 - None planned at this time
- TGPC Booth
 - Four since the previous TGPC POE Subcommittee meeting (1,452 estimated attendees)
 - Three planned through December 2012

Diane Boellstorff (TAES) reported that the final draft of the Texas Well Owner Network (TWON) Handbook would be ready by the end of June 2012, and TWON training events will be scheduled shortly thereafter.

Diane Boellstorff (TAES) reported that 6,500 copies of *Making a Rain Barrel* (TAES L-5518, https://agriflifebookstore.org/publications_details.cfm?whichpublication=2809) were reprinted using the reproduction allocation in the FY 2012 TCEQ/TAES POE Contract. This very popular rainwater harvesting publication is distributed at TAES water well screening events.

The POE Subcommittee approved the updates of eight TGPC Frequently Asked Questions (FAQs). Five FAQs were found to be still valid and did not require any updates. Updates of two additional FAQs will be brought to the next meeting.

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_rar03Oct2007.pdf) was discussed:

- Chris Muller (TWDB) had prepared the online follow-up FAQ survey to receive Soil and Water Conservation District (SWCD) responses. Mel Davis (TSSWCB) indicated that he would send out an email after the meeting and invite the 216 SWCDs in the state to participate in the survey.

The draft “Public Outreach and Education Activities” section of the draft *TGPC Activities and Recommendations of the Texas Groundwater Protection Committee: Report to the 83rd Legislature* was shared with the POE Subcommittee. The TGPC website is now 10

years old, and TCEQ has decided to pursue a website redesign and upgrade in Fiscal Year 2013.

The next POE Subcommittee meeting was scheduled for September 20, 2012.

Groundwater Research

Bridget Scanlon (UTBEG) reported that the Groundwater Research Subcommittee had not met since the last TGPC meeting.

Nonpoint Source

Richard Egg (TSSWCB) reported that the Nonpoint Source (NPS) Task Force last met on June 8, 2012 and five state agencies and organizations were represented. A summary was presented of the FY 2012 Third Quarter meeting held on March 30, 2012. The next NPS Task Force meeting was scheduled for September 21, 2012.

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. An overview of DRASTIC and the 1989 Groundwater Quality of Texas report were presented. Results of the survey of DRASTIC use and update needs conducted by the NPS Task Force were discussed. Three state agencies currently use the DRASTIC index: TCEQ, TSSWCB, and TWDB. All NPS Task Force members agreed that some form of update would be desirable.

The NPS Task Force decided to develop recommendations for consideration by the TGPC:

- To support a project to digitize the existing DRASTIC maps (i.e., create GIS shape files) and make them accessible to all state agencies and the public; and,
- To support a project to develop a report on groundwater quality for the state that supplements the information found in the Clean Water Act Section 305(b) assessment.

The NPS Task Force will develop these recommendations and present them to the TGPC for its consideration in FY 2013.

Finally, the NPS Task Force discussed the status of the draft TGPC Legislative Report. The NPS Task Force did not identify a need to provide any legislative recommendations for consideration by the TGPC.

Cary Betz (TCEQ) added that the TCEQ Groundwater Planning and Assessment Team had determined that digitization of the DRASTIC maps may be possible.

Legislative Report

Kelly Mills (TCEQ) reported that Legislative Report Subcommittee had met three times since the last TGPC meeting.

On May 9, 2012, the Legislative Report Subcommittee discussed the report's development time lines as well as the scope of the report and its recommendations. The Legislative Report Subcommittee agreed to streamline the report and its recommendations and made assignments for report development.

On June 13, 2012, the Legislative Report Subcommittee discussed:

- TGPC recommendations submitted to the 82nd Legislature;
- Interim charges to the Senate and House Natural Resources Committees that touch on groundwater protection; and,
- The TGPC's statutory basis, responsibilities, and charges.

The Legislative Report Subcommittee discussed a working document that posed questions for consideration for possible recommendations and a streamlined presentation of TGPC activities for 2011 and 2012. Assignments were made for further report development.

On July 11, 2012, the Legislative Report Subcommittee discussed the working report document and reached consensus on recommendations to move forward. In the Business portion of the TGPC meeting, Cary Betz (TCEQ) was to lead further discussion of the working report document and its subsequent development time lines. Kelly Mills (TCEQ) indicated that the need for any additional Legislative Report Subcommittee meetings would be dependent upon TGPC actions later in the TGPC meeting.

3. PRESENTATION

There was no presentation scheduled for the meeting. Cary Betz (TCEQ) requested that TGPC members forward any future meeting presentation suggestions to him.

4. BUSINESS DISCUSSION AND POSSIBLE ACTION

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

Cary Betz (TCEQ) reviewed the draft TGPC Legislative Report with TGPC members and there was extensive discussion.

Janie Hopkins (TWDB) left at approximately 2:35 PM CDST and was absent for the remainder of the meeting.

Kevin Wagner (TAR) proposed, Richard Eyster (TDA) seconded, and all remaining TGPC members approved the draft TGPC Legislative Report with the changes as

discussed at the meeting. TGPC members agreed that TCEQ staff could make any non-substantive changes as required to improve clarity and meet formatting requirements.

Cary Betz (TCEQ) also requested that TGPC members review the draft Appendix 1 (TGPC Membership) and provide any updates to him by July 20, 2012.

Designation of a Public Information Officer for the Texas Groundwater Protection Committee – Records Retention

Cary Betz (TCEQ) requested that TGPC members consider an appropriate retention period (perhaps “Permanent”) for the TGPC’s records. Cary Betz indicated that he would inventory the TGPC’s records and research the Public Information Officer’s role in preparation for discussion of this topic at the next TGPC meeting.

Set Future Meeting Date

The next TGPC quarterly meeting was scheduled for October 10, 2012 at 1:00 PM CDST.

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

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

Cary Betz (TCEQ) reported that the Impact Evaluation Team (IET) had reviewed seven new groundwater contamination cases in the past quarter and mailed 39 notices to private drinking well owners.

Groundwater Management Areas

Cary Betz (TCEQ) reported for Janie Hopkins (TWDB) that the petition process had been completed for the last round of planning (the last appeal was heard at the June 2012 Board meeting). David Van Dresar (TAGD) reported that TWDB completed their final hearings on the petition process for the Desired Future Conditions (DFCs) with Groundwater Management Area (GMA) 12 in June 2012, and that TWDB was completing the final Modeled Available Groundwater (MAG) calculations. TWDB would be receiving a number of revised management plans for review soon.

Regional Water Planning

Cary Betz (TCEQ) reported for Janie Hopkins (TWDB) that they were taking an item to their Board on July 19, 2012 to consider adoption of rule revisions to Title 31 of the Texas Administrative Code (TAC) Chapters 355, 357, and 358 (regional and state water planning guidelines) and one revision of interest to the TGPC may be the definition of consistency between a Regional Water Plan and a DFC. David Van Dresar (TAGD)

added that many of the Regional Water Planning Groups (RWPGs) are now coordinating their efforts with the Groundwater Conservation Districts (GCDs).

Cary Betz (TCEQ) continued to report for Janie Hopkins (TWDB) that:

- They are also requesting to post applications for funding in order to complete the fourth cycle (2011 – 2015) of regional water planning in an amount up to \$9.5 million.
 - FY 2013 funds of \$5.5 million were appropriated by the 82nd Texas Legislature; the requested FY 2014 – 2015 funds of \$4 million are to be appropriated by the 83rd Texas Legislature with \$100,000 of the FY 2014 – 2015 funds anticipated to be set aside for future amendments to approved 2011 Regional Water Plans.
- Activities to be performed under this proposed Request for Applications are to support RWPG efforts to complete their 2016 Regional Water Plans in accordance with statute, rule, and guidance requirements, including changed conditions resulting from:
 - New statutory requirements that RWPGs report on implementation of projects;
 - Changes to groundwater supplies due to recently completed MAG values which may impact both existing water supplies and previously recommended water management strategies;
 - TCEQ's environmental flow standards which may impact previously recommended water management strategies; and,
 - Revised TWDB planning rules which incorporate additional requirements in response to the 2011 drought.
- Planning groups will be working on quantifying the water availability in their regions over the next year, including determining availabilities where DFCs do not exist.

Groundwater Availability Modeling

Cary Betz (TCEQ) reported for Janie Hopkins (TWDB) that:

- The first stakeholder advisory meeting for developing a GAM (in-house) for the Llano Uplift aquifers was held July 17, 2012 in Fredericksburg;
- The last stakeholder advisory meeting for developing a GAM (contracted with INTERA) for the Rustler Aquifer was held July 6, 2012 with final deliverables due by August 31, 2012;
- They were reviewing deliverables for the development of framework (contracted with INTERA) for the northern portion of the Gulf Coast Aquifer (Brazos River to Louisiana);
- They were reviewing deliverables for aquifer tests in GMA 8 scanned from TCEQ Public Water Supply records (contracted with INTERA);
- There were only five more MAGs left for those using models (they have 2 – 4 more non-modeled); and,
- They were going to their Board on July 19, 2012 for permission to contract two more GAM-related projects: one to develop one model for the Panhandle to include the Ogallala, Dockum, Rita Blanca, and Edwards-Trinity (High Plains) Aquifers, and the other to develop educational video(s) on groundwater and modeling.

Nonpoint Source Pollution

Richard Egg (TSSWCB) reported that:

- Their Requests for Proposal for the next 319 grant program would be announced in early September 2012 and would be due in early October 2012;
- The *Texas Nonpoint Source Management Program* five-year plan had been signed by the Governor and was sent to the U.S. EPA on June 18, 2012;
- The TWON training and screening schedules were available; and,
- Grant cycle eight for the Coastal Management Program (which includes NPS projects) was open for applications.

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/>) had met on July 10, 2012 and reviewed the Subcommittee on Ground Water's (SOGW's) National Groundwater Monitoring framework document which outlines a National Water Monitoring program/network. The United States Geological Survey (USGS) and U.S. EPA have developed a data portal using five pilot projects, one of which accesses TWDB's ambient groundwater monitoring database. The National Water Monitoring program/network is currently voluntary, and Texas should be participating more in the future (e.g., identification of the important aquifers in the state and their groundwater levels and quality). ACWI approved implementation of this program/network and USGS will ask other states to participate within the next year. Cary Betz indicated that he would send the link to the data portal (http://cida.usgs.gov/gw_data_portal/) to TGPC members.

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 July 10, 2012, no exceptional drought conditions affected the state (down from 13% at the last meeting), but 96% of the state was still in one of the five drought categories, and the drought was forecast to persist in the western two-thirds of the state (with some improvement in the far western portion) through the end of September 2012. Due to widespread recent rains, however, David Van Dresar (TAGD) indicated that many areas of the state were expected to improve by one to two drought categories in the next weekly U.S. Drought Monitor map. As of July 11, 2012, of the 4,701 active community water systems in Texas, 1,010 were still affected by drought (either voluntary or mandatory), and 689 of these use groundwater (either exclusively or partially).

Richard Egg (TSSWCB) added that the state climatologist had reported that El Nino conditions were developing in the Pacific Ocean which would portend a cool and wet winter in Texas.

6. ANNOUNCEMENTS

Rules Update

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

- 2012-023-285-CE – OSSF Rule Update;
- 2008-022-213-CE – Edwards Aquifer;
- 2011-058-288-OW – SB 181 and SB 660 (Section 21): Water Conservation and Usage;
- 2011-057-290-OW – HB 3372, HB 3391, and SB 1073: Rainwater;
- 2009-034-311-OW – Water Quality Management within the Barton Creek and Onion Creek Watersheds;
- 2011-037-007-WS – HB 2694 (Art. 2): RRC Transfer; and,
- 2011-023-331-WS – Use of a Class I Well for Disposal of Certain Wastes through Underground Injection into a Bedded Salt Formation.

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 were no TCEQ publications of interest to the TGPC since the last meeting.

Upcoming Conferences

Cary Betz (TCEQ) indicated that TGPC member support for the TGPC exhibit booth at the TCEQ Public Drinking Water Conference on August 7 – 8, 2012 would be welcome. Cary Betz also 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 (TCEQ) noted that the Ground Water Protection Council’s Annual Forum would be held on September 23 – 26, 2012 in Nashville, Tennessee.

7. PUBLIC COMMENT

There was no public comment at the meeting.

8. ADJOURN

Cary Betz (TCEQ) adjourned the meeting at approximately 3:33 PM CDST.