

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

Meeting Date: July 19, 2017
 Meeting No.: 119

Place: TCEQ Campus, Bldg F
 Room: 2210

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MEETING ATTENDANCE

Committee Members

Cary Betz

Janie Hopkins

Peter Pope

Emily Hall

David Villarreal

Rosario Sanchez

Linda Ruiz McCall

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 Department of Agriculture (TDA)

Texas A&M AgriLife Research (AgriLife Research)

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

Agency Staff

Abiy Berehe

Bill Carter

Alan Cherepon

Deba Dutta

Cindy Hooper

Peggy Hunka

Kathy McCormack

Dan Robicheaux

Amanda Scott

Affiliation

TCEQ

TCEQ

TCEQ

DSHS

TCEQ

TCEQ

TCEQ

TCEQ

TCEQ

Program

Water Availability Division

Water Quality Planning Division

Water Availability Division

Texas Fluoridation Program

Water Availability Division

Water Availability Division

Water Availability Division

Budget and Planning Division

Water Availability Division

Interested Parties

Ken Kramer

Affiliation

Sierra Club

MEETING HANDOUTS

1. Agenda for Texas Groundwater Protection Committee meeting on July 19, 2017
2. Record for Texas Groundwater Protection Committee meeting on April 19, 2017
3. Summary of Texas Groundwater Protection Committee (TGPC) Groundwater Issues (GWI) Subcommittee Meeting, June 7, 2017
4. Summary of Texas Groundwater Protection Committee (TGPC) Public Outreach and Education (POE) Subcommittee Meeting, June 2017
5. *Groundwater Monitoring Wells Frequently Asked Question (FAQ)*
6. Draft Texas Groundwater Protection Committee, Public Outreach and Education Subcommittee, Subcommittee Charge, July 19, 2017
7. *TGPC Groundwater Issues (GWI) Subcommittee Fiscal Year 2018 – 2019 Activity Plan*
8. Drought 2017 – U.S. Drought Monitor, Texas, July 13, 2017; U.S. Seasonal Drought Outlook, June – September 2017, June 15, 2017; Public Water Supply Systems Affected, July 13, 2017; TCEQ List of Texas PWSs Limiting Water Use to Avoid Shortages, July 13, 2017
9. TCEQ Rules Update, 7/19/2017
10. 2017 Water-related Conferences in Texas, July 2017

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

1. TGPC Public Information Act Policy

MEETING RECORD OF JULY 19, 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 1:10 PM CDT. TGPC members then introduced themselves. The representatives from the Texas State Soil and Water Conservation Board (TSSWCB), Texas Alliance of Groundwater Districts (TAGD), and Texas Department of Licensing and Regulation (TDLR) were not present at the meeting.

2. SUBCOMMITTEE REPORTS

Groundwater Issues

Kathy McCormack (TCEQ) reported that the TGPC GWI Subcommittee had met on June 7, 2017 and 10 state and federal agencies and organizations were represented.

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

- Pesticide monitoring in the Panhandle was planned for June 19 – 23, 2017, and cooperative monitoring with the Texas Water Development Board (TWDB) had begun and would continue through the summer in one major and four minor aquifers (Gulf Coast, Queen City, Sparta, Yegua-Jackson, and Brazos River Alluvium); and,
- 2014 – 2016 USGS pesticide data had been downloaded and entered into the Texas Commission on Environmental Quality (TCEQ) Interagency Pesticide Database (IPD) representing 135 wells (94 of which were new), 236 new samples, and the addition of 26,907 analytes.

David Villarreal (Texas Department of Agriculture) reported that:

- If the recent Texas House Bill (HB) 572 became law, there would again be funding for agricultural waste pesticide collection events across the state, and that they would be the lead agency implementing the program (working with TCEQ and Texas A&M AgriLife Extension Service (AgriLife Extension)); and,
- Training for the mandatory U.S. Food Safety Modernization Act for produce suppliers was being implemented at their agency, and that they were looking for laboratories with which to partner in order to run the microbial sampling and testing.

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

- *Joint Groundwater Monitoring and Contamination Report – 2016* (TCEQ publication SFR-056):
 - TCEQ staff were working on the 2016 *Joint Report* and it was anticipated to be complete by mid-July 2017.

The following current groundwater issues were briefly discussed:

- Water Supply Enhancement Program;
- Hydraulic Fracturing;
- Emerging Contaminants;
- Border Groundwater;
- Aquifer Storage and Recovery; and,
- Failing Septic Systems.

The GWI Subcommittee performed a final review of their *Texas Groundwater Protection Committee Groundwater Issues Subcommittee Charge* and did not have any changes to recommend to the TGPC.

The final draft of the *Texas Groundwater Protection Committee (TGPC) Groundwater Issues (GWI) Subcommittee Fiscal Year 2018 – 2019 Activity Plan* (“Plan”) was approved by the GWI Subcommittee. The *Plan* would be presented to the TGPC for approval at their July 19, 2017 meeting.

A Task Force was formed in order to prepare a draft update of the *Texas Groundwater Protection Strategy* (“Strategy”) for review at the next GWI Subcommittee meeting. *Strategy* Update Task Force members included representatives from TCEQ, RRC, TAGD, and AgriLife Research.

The RRC Hydraulic Fracturing Frequently Asked Questions (FAQs) and Class II injection well cross-sectional diagram were reviewed and GWI Subcommittee members provided their feedback on these popular press items.

The next GWI Subcommittee meeting was scheduled for September 13, 2017.

Public Outreach and Education

Peggy Hunka (TCEQ) reported that the TGPC POE Subcommittee had met on June 7, 2017 and eight 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:

- AgriLife Extension Water Well Screening Events
 - Seven since the previous POE Subcommittee meeting
 - Two planned through August 2017
- TGPC Exhibit Booth
 - Two since the previous POE Subcommittee meeting

Drew Gholson (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 had been over 7,299 samples or attendees at TWON events since April 2011.

The Google Analytics activity report on the TGPC website for March 8, 2017 through June 5, 2017 was reviewed.

A presentation on the Geronimo and Alligator Creeks Watershed Protection Plan (WPP) was given by Ward Ling (AgriLife Extension). The need for an FAQ on abandoned septic tanks was discussed and it was decided that another FAQ was not necessary.

The next POE Subcommittee meeting was scheduled for September 13, 2017.

3. PRESENTATION

There was no presentation at the meeting.

4. BUSINESS DISCUSSION AND POSSIBLE ACTION

Groundwater Monitoring Wells Frequently Asked Question (FAQ)

Peggy Hunka (TCEQ) presented the *Groundwater Monitoring Wells* FAQ. David Villarreal (TDA) proposed, Emily Hall (DSHS) seconded, and all remaining TGPC members approved the *Groundwater Monitoring Wells* FAQ. The FAQ would be posted on the TGPC website (<http://tgpc.state.tx.us/frequently-asked-questions-faqs/>).

Public Outreach and Education Subcommittee Charge Update

Peggy Hunka (TCEQ) presented the draft update to the POE Subcommittee Charge. Peter Pope (RRC) proposed, Janie Hopkins (TWDB) seconded, and all remaining TGPC members approved the update to the POE Subcommittee Charge. The updated Charge would be posted on the TGPC website (<http://tgpc.state.tx.us/tgpc-subcommittees/tgpc-public-outreach-and-education-subcommittee/>).

How Do Changing Groundwater Conditions Affect Freshwater Mussels ? White Paper

Cary Betz (TCEQ) announced that the *How Do Changing Groundwater Conditions Affect Freshwater Mussels ?* white paper had been tabled indefinitely because groundwater and surface water were linked and this complex issue was impacting other program areas within TCEQ.

TGPC Groundwater Issues (GWI) Subcommittee Fiscal Year 2018 – 2019 Activity Plan

Kathy McCormack (TCEQ) presented the *TGPC Groundwater Issues (GWI) Subcommittee Fiscal Year 2018 – 2019 Activity Plan* (“*Activity Plan*”). Emily Hall (DSHS) proposed, Linda Ruiz McCall (UTBEG) seconded, and all remaining TGPC members approved the GWI Subcommittee’s *Activity Plan*.

Agency Legislative Roundtable Discussion

TGPC members reported on 85th Legislature bills that affected their agency or organization.

Janie Hopkins (TWDB) reported that:

- Several high priority bills related to groundwater issues affected their Water Science and Conservation area:
 - Rulemaking would be done for HB 2215. This related to the adoption of Desired Future Conditions (DFCs) for aquifers in Groundwater Management Areas (GMAs) and the consideration of those conditions in the regional water planning process. The next deadline for the adoption of DFCs would be in January 2022.
 - Rulemaking would be done for Texas Senate Bill (SB) 1511. The bill added additional requirements to be included in the State Water Plan (SWP) regarding projects previously given a high priority by TWDB for State Water Implementation Fund for Texas (SWIFT) funding. The additional requirements included an assessment of the extent to which projects were implemented in the decade in which they were needed and an analysis of any impediments to the implementation of projects that were not implemented in the decade they were needed. The bill added a non-voting member from TSSWCB to the Regional Water Planning Groups (RWPGs). The bill required that pre-planning public input meetings and public hearings related to the draft regional water plan, interregional conflicts, and conflicts regarding Groundwater Conservation District (GCD) management plans be held at a location “readily accessible to the public” within the regional water planning area.
 - Rulemaking would also be done for SB 347. This bill related to the applicability of open meetings and public information laws to RWPGs and their committees.

Peter Pope (RRC) reported that:

- HB 1818 related to the continuation and functions of the RRC (“sunset” bill) passed;
- Because they had received some funding, they were going to be enhancing their inspection, enforcement, tracking, and reporting, and this would make information more readily available;
- The Legislature had discontinued the Advisory Committee for the Oil and Gas Regulation and Cleanup (OGRC) Fund which allows RRC to plug abandoned oil and gas wells and clean up abandoned oilfield sites; and,
- They had received a \$40.7M budget increase for oil and gas well plugging and site remediation.

Rosario Sanchez (AgriLife Research) did not have any recent legislation to report that affected her organization.

David Villarreal (TDA) reported that:

- HB 572 related to the disposal of pesticides was vetoed by the Governor, but it may come back in the Special Session;
- HB 2716 related to a TDA study on transferring water from the Mississippi River to Texas did not advance; and,
- HB 3451 related to the study and approval of lethal pesticides for feral hog control did not advance.

Emily Hall (DSHS) did not have any recent legislation to report that affected her agency.

Linda Ruiz McCall (UTBEG) reported that there had not been any specific recent legislation related to groundwater that affected her organization, but their budget would be trimmed significantly, and this could impact any groundwater studies. In addition, the TexNet Seismic Monitoring Program would be funded through block grants given to universities.

Cary Betz (TCEQ) reported that TCEQ's groundwater team had reviewed 84 bills during the recent legislative session, and many of them affected Texas Water Code (TWC) Chapter 36 (i.e., GCDs):

- HB 2803 related to the non-substantive revision of certain local laws concerning water and wastewater special districts brought multiple GCDs under TWC Chapter 36 (away from their special district legislation and local laws code) and was signed by the Governor;
- SB 1488 was related to non-substantive additions to, revisions of, and corrections in TWC Chapter 36, including DFCs;
- One GCD was created, Southwest Travis County GCD, subject to a confirmation election within three years; this GCD filled the last hole in the Hill Country Priority Groundwater Management Area (PGMA);
- There were some changes to the Low Level Radioactive Waste (LLRW) authority, but these changes did not affect groundwater;
- There were some attempts to alter Edwards Aquifer contributing zone boundaries for wastewater discharges, only, but the bill did not pass;
- The bill dealing with lead in drinking water did not advance; and,
- HB 27 (a repeat of HB 2377) related to the development of brackish groundwater had just been re-filed in the Special Session.

David Villarreal (TDA) invited Ken Kramer (Sierra Club) to share his perspective on recent groundwater-related legislation. Ken Kramer indicated that they had been tracking approximately 40 groundwater bills (out of about 200 bills related to water). Several significant GCD bills were introduced (e.g., HB 31 and SB 1392), but they were too controversial to pass out of both chambers. The Water Conservation Advisory Council (WCAC) had eight legislative recommendations, and four of them related to funding did not advance. However, HB 1648 related to the designation of a water conservation coordinator by a retail public water utility to implement a water conservation plan, HB 1573 related to personnel requirements for water loss auditors, and SB 1511 related to the state and regional water planning process and the funding of projects included in the

SWP all passed. Finally, a bill recommending that a retail water utility seeking funding from TWDB would have to have time of day watering restrictions on outdoor irrigation did not pass. Ken Kramer indicated that they may try to embrace some of the TGPC's legislative recommendations in the future.

Cary Betz (TCEQ) noted that another bill related to TAGD had passed which affected his agency; addressing water rights permitting, this bill required TCEQ to notify a GCD if their alternate make-up water was sourced from groundwater.

Current Groundwater Issues

Cary Betz (TCEQ) noted that sand mining over the Carrizo-Wilcox Aquifer had become a recent issue affecting groundwater. Most of this sand was being mined for use in hydraulic fracturing, and concerns included both dewatering the aquifer and contaminating the aquifer through diesel fuel and resin coating spills within the mines. UTBEG was developing maps of the sand resources in Texas, and these maps have been moved up in priority.

David Villarreal (TDA) reported that they were trying to implement various aspects of the U.S. Food Safety Modernization Act. Cyclosporiasis is an intestinal illness typically caused by ingesting fresh produce contaminated with the microscopic parasite *Cyclospora cayetanensis*; this ailment was a current issue in Texas, and TDA was still looking for laboratories that could do microbial analysis of the water (including well water) used to wash and rinse produce.

Set Future Meeting Date

The next TGPC quarterly meeting was scheduled for October 18, 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 nine groundwater contamination cases resulting in 76 notification letters mailed to private water well owners and tenants. Seven additional notification letters from the July 11, 2017 IET meeting would be mailed by August 11, 2017.

Groundwater Management Areas

There was no discussion of this topic at the meeting.

Regional Water Planning

Janie Hopkins (TWDB) reported that:

- They had completed the release of draft water demand projections and supporting information; the RWPGs were in the process of reviewing this information and were to submit revisions by January 2018; and,
- RWPG contracts were amended in the summer of 2017 and they were now under a full scope of work to develop their plans.

Groundwater Availability Modeling

Janie Hopkins (TWDB) reported that:

- Staff were working on Modeled Available Groundwater (MAG) for DFCs for the GMAs; they had completed eight MAGs, were working on five others, and were waiting for two more to be submitted by the GMAs; and,
- They had six contracted studies related to Groundwater Availability Modeling (GAM) funds:
 - A Rio Grande Valley Transport contract with GSI Environmental, Inc. (GSI);
 - A GMA 13 mapping project contract with UTBEQ;
 - A fault study and update to GMA 12 with INTERA;
 - A contract to update the GAM for the northern Carrizo-Wilcox, Queen City, and Sparta Aquifers with GSI;
 - A contract for a conceptual model of the Trinity Aquifer with Southwest Research Institute; and,
 - A subsidence contract with Leonard Rice Engineers, Inc. (LRE).

Nonpoint Source Pollution

Bill Carter (TCEQ) reported that their 2018 Request for Grant Applications (RFGAs) would close on July 31, 2017.

National Groundwater Initiatives

Cary Betz (TCEQ) reported that activities of the U.S. Department of the Interior Advisory Committee on Water Information (ACWI) Subcommittee on Ground Water (SOGW, <http://acwi.gov/sogw/>) had been on pause since May 2017 while the Department of the Interior evaluated all federal advisory committee activities. The SOGW meetings for May, June, and July 2017 had all been canceled. Although no funding was recommended for the National Ground-Water Monitoring Network (NGWMN) in the proposed federal budget, United States Geological Survey (USGS) activities related to the NGWMN had continued. For the current NGWMN, awards were made in late June 2017 for proposals in Missouri, North Carolina, Iowa (two), Kansas, Illinois, Utah, South Carolina, Montana, Oregon, Nebraska, Colorado, Mississippi, and New Hampshire that had start dates of July 1, 2017. Preparations also continued for the Fiscal Year 2018 Announcement for the NGWMN Cooperative Agreements.

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 July 11, 2017, 24 % of the state was classified as D0 through D1, up 9 % from the last TGPC meeting, but the U.S. Seasonal Drought Outlook forecast mostly drought-free conditions across the state through September 30, 2017. As of July 13, 2017, of the 4,653 active community water systems in Texas, 1,081 were affected by drought (either voluntary or mandatory) and 725 of those used groundwater (either partially or exclusively). As of July 13, 2017, nine PWSs in the state could be out of water in 180 days or less (two systems less than at the last TGPC meeting).

6. ANNOUNCEMENTS

Rules Update

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

- 2017-013-113-AI – New Emission Guidelines and Compliance Timeframes for Commercial and Industrial Solid Waste Incineration (CISWI) Units;
- 2016-034-336-WS – Frequency of Rate Adjustment-Disposal of Low Level Radioactive Waste (LLRW);
- 2016-019-334-CE – Senate Bill 1557 and Implementation of Federal Petroleum Storage Tank (PST) Rule Updates; and,
- 2016-002-307-OW – Triennial Revision of 30 TAC Chapter 307, Texas Surface Water Quality Standards.

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 USGS had released a new web map application for their subsidence and groundwater monitoring in the greater Houston area (https://txpub.usgs.gov/houston_subsidence/home/). In addition, Lynne Fahlquist (USGS) had communicated prior to the meeting that the federal budget process was ongoing as pertained to their budget, and a U.S. House panel had made recommendations which would be voted on soon.

Janie Hopkins (TWDB) announced the publication of *Transborder Aquifers: A Summary of Aquifer Properties, Policies, and Planning Approaches for Texas, Surrounding States, and Mexico* (TWDB publication GMR 17-01, April 2017, http://www.twdb.texas.gov/groundwater/docs/GMR_reports/GMR17-01_TransborderAquifers.pdf?d=87656).

Rosario Sanchez (AgriLife Research) reported that they would release two publications about transboundary aquifers later this year.

Cindy Hooper (TCEQ) reported that the *2016 Joint Groundwater Monitoring and Contamination Report* would be published shortly.

Bill Carter (TCEQ) reported that the *2017 Texas Nonpoint Source Management Program* five year plan was online for public viewing (https://www.tceq.texas.gov/assets/public/waterquality/nps/mgmt-plan/2017_ManagementProgram_toAgenda.pdf), but awaiting the Texas Governor's and U.S. Environmental Protection Agency's (EPA's) approval.

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 would again be sponsoring an exhibit booth at the 2017 Public Drinking Water (PDW) Conference.

7. PUBLIC COMMENT

There was no public comment.

8. ADJOURN

Cary Betz (TCEQ) adjourned the meeting at approximately 2:45 PM CDT.