

TEXAS GROUNDWATER PROTECTION COMMITTEE
RECORD OF MEETING
 Second Quarterly Meeting, Fiscal Year 2010

Meeting Date: January 20, 2010
 Meeting No.: 84

Place: TCEQ Campus, Bldg F
 Room: 2210

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MEETING ATTENDANCE

Committee Members

Cary Betz

Janie Hopkins

Leslie Savage

Richard Eyster

Donna Long

B.L. Harris

Bridget Scanlon

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 AgriLife Research (TAR)

University of Texas Bureau of Economic Geology (UTBEG)

Agency Staff

Hector Morales

Abiy Berehe

Lauren Bilbe

Mike Chadwick

Alan Cherepon

Andrew Gorton

April Hoh

Peggy Hunka

Paul S. Lewis

Kathy McCormack

Kelly Mills

Kerry Niemann

Joe Peters

L. Scott Underwood

David Villarreal

Affiliation

Program

Sunset Advisory Commission

TCEQ Water Supply Division

TCEQ Water Quality Planning Division

TCEQ Water Supply Division

TCEQ Water Supply Division

TCEQ Water Quality Division

TCEQ Water Quality Division

TCEQ Water Supply Division

TCEQ Remediation Division

TCEQ Water Supply Division

TCEQ Water Supply Division

TCEQ Water Quality Planning Division

TCEQ Water Supply Division

TCEQ Water Supply Division

TDA

Interested Parties

Ann Ardis

Affiliation

United States Geological Survey (USGS)

MEETING HANDOUTS

1. Agenda for Texas Groundwater Protection Committee meeting on January 20, 2010
2. Record for Texas Groundwater Protection Committee meeting on October 26, 2009
3. Summary of Texas Groundwater Protection Committee (TGPC) Public Outreach and Education (POE) Subcommittee Meeting January 6, 2010
4. January 20, 2010 letter to TGPC members regarding *Joint Groundwater Monitoring and Contamination Report – 2009* (“*Joint Report*”) and draft *Joint Report* Table of Contents (TGPC members only)
5. TCEQ SFR-047/08 (January 2009), *Activities of the Texas Groundwater Protection Committee – Report to the 81st Legislature* (TGPC members only)
6. TCEQ Nonpoint Source Program Funding Structure; TCEQ 319 Grant Planning and Prioritization Chart
7. U.S. Drought Monitor, Texas as of January 12, 2010; Drought 2010 – Public Water Supply Systems Affected as of January 1, 2010; U.S. Seasonal Drought Outlook January 2010 – March 2010
8. TCEQ Rules of Interest to TGPC 01/20/2010
9. 2010 Water-related Conferences in Texas

MEETING RECORD OF JANUARY 20, 2010

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 1:07 PM CDT. TGPC members then introduced themselves. Representatives from the Texas Department of Licensing and Regulation (TDLR), the Texas Alliance of Groundwater Districts (TAGD), and the Department of State Health Services (DSHS) were not present at the meeting, the TSSWCB representative was not present at the beginning of the meeting, and the RRC representative left during the meeting.

2. SUBCOMMITTEE REPORTS

The Subcommittee Reports were given after the presentation. Cary Betz (TCEQ) suggested that TGPC Subcommittee Chairs consider meeting at least two weeks prior to the TGPC meeting so that if they have any completed items requiring TGPC action they can be added to the TGPC agenda.

Agricultural Chemicals

Joe Peters (TCEQ) reported that the Agricultural Chemicals Subcommittee met for their Fiscal Year 2010 Second Quarter meeting that morning.

For the Site Selection Task Force, Janie Hopkins (TWDB) reported that there had been no additional activity in TWDB groundwater monitoring since the last meeting. TWDB groundwater monitoring will resume in March 2010.

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

- The Texas Plant Protection Association Annual Conference that was held in December 2009;
- A meeting in the Panhandle held by Dana Porter (TAES) in January 2010; and,
- Several additional meetings to be held by Dana Porter in the High Plains area.

During the Business Items portion of the meeting, Alan Cherepon (TCEQ) proposed the Fiscal Year (FY) 2010 Pesticide Monitoring Plan which included:

- Continued cooperative monitoring by TWDB;
- Urban pesticide monitoring in the Dallas-Ft. Worth area;
- Monitoring in the cotton-growing area of the southern Panhandle; and,
- On-going monitoring.

The FY 2010 Pesticide Monitoring Plan was approved by the Agricultural Chemicals Subcommittee members.

During the Information Exchange portion of the meeting, Alan Cherepon (TCEQ) reported on the status of Texas' evaluation of Pesticides of Interest (POI) under U.S.

Environmental Protection Agency's (EPA's) Pesticides Of Interest Tracking System (POINTS). There are 57 POIs in Texas – 16 were evaluated in 2008 and 19 were evaluated in 2009, for a total of 35. The remaining 22 POIs will be evaluated in 2010.

Richard Eyster (TDA) gave an update on the “crazy ant” problem in Texas. He reported that:

- Additional pesticide products were being explored for their control;
- Work was being done with Texas A&M University on finding additional research sites;
- Termador's Section 18 (temporary permission to use a restricted pesticide in a limited area for a specific purpose) had been extended for another three years; and,
- Other research projects were being considered.

Alan Cherepon (TCEQ) reported that a draft National Pollutant Discharge Elimination System (NPDES) general permit regarding pesticide applications near water bodies had been prepared by U.S. EPA and was being circulated to a limited audience for initial comments. U.S. EPA had sponsored a recent webcast teleconference explaining the draft permit.

Data Management

Cary Betz (TCEQ) reported that the Data Management Subcommittee had not met since the last TGPC meeting.

Public Outreach and Education

Kathy McCormack (TCEQ) reported that the Public Outreach and Education (POE) Subcommittee last met on January 6, 2010 and eight agencies and organizations were represented.

The status report on recent and upcoming outreach events

(http://www.tgpc.state.tx.us/subcommittees/POE/WellScreening_Closure_TGPCboothEvents06Jan2010.pdf) was reviewed:

- TAES Water Well Screening Events
 - Five since the previous POE Subcommittee meeting (221 samples)
 - Eight planned through September 2010
- TAES Abandoned Water Well Closures
 - None since the previous POE Subcommittee meeting
 - None planned at this time
- TGPC Booth
 - Four since the previous POE Subcommittee meeting (709 estimated attendees)
 - Three planned through May 2010

Robin Gary (Barton Springs / Edwards Aquifer Conservation District, BSEACD) gave a short presentation on the Groundwater to the Gulf (G2G) Summer Institute (<http://www.keepaustinbeautiful.org/GroundwatertoGulf>). Subsequent discussion

focused on how the TGPC and/or POE Subcommittee might be able to support this activity (e.g., a keynote speaker, post-event classroom support, etc.). After this year's G2G kickoff meeting, Robin Gary will notify the POE Subcommittee of any specific needs they may have for the event.

A draft revision of the *Plugging Abandoned Water Wells* brochure (TAES L-5413, http://agrillifebookstore.org/publications_details.cfm?whichpublication=1514) was approved by the POE Subcommittee with the changes discussed at the meeting. Publication is expected by May 1, 2010.

Six draft Frequently Asked Questions (FAQs) were approved with the changes discussed at the meeting and subsequently posted on the TGPC website (<http://www.tgpc.state.tx.us/FAQs.htm>):

- *In Situ Uranium Mining and Groundwater Quality:*
 - *How Is Uranium Mined in Texas ?*
 - *What Is the Quality of Groundwater Within the Uranium-Mineralized Zone ?*
 - *Once In Situ Uranium Mining Is Complete at a Site, Is the Mine Operator Required to Clean Up the Affected Groundwater ?*
 - *How Much Groundwater Is Required for an In Situ Uranium Mining Operation ?*
 - *Is the Uranium Recovered from Mining Ready to Be Used ?*
 - *How Has the Process of In Situ Uranium Mining Changed Since It Was First Applied ?*

Publications and Frequently Asked Questions (FAQs) on the following topics are in various stages of revision:

- *Oil and Gas Waste Disposal Wells and Water Quality:*
 - *How are Oil and Gas Waste Disposal Wells Regulated ?*
 - *What are the Construction Standards for an Oil and Gas Waste Disposal Well ?*
 - *What is the Permitting Process for an Oil and Gas Waste Disposal Well ?*
- *Have Radionuclides Been Detected in Texas Groundwater ?*

The next POE Subcommittee meeting is scheduled for March 24, 2010.

Groundwater Research

Bridget Scanlon (UTBEG) reported that the meeting that morning had focused on Nonpoint Source (NPS) issues. Kerry Niemann (TCEQ) and Lauren Bilbe (TCEQ) made a presentation on the NPS program, watershed approach, and how the TGPC should try to link groundwater to its impacts on surface water or areas where surface water impacts groundwater (e.g., the Edwards Aquifer). Successful projects will be local studies that have a definite impact on water quality. B.L. Harris (TAR) suggested a project regarding land waste applications and water quality. Another possible project could involve TSSWCB, agricultural issues, water quality, and groundwater and surface water interactions.

3. PRESENTATION

The presentation was given before the Subcommittee Reports.

Impacts of Agriculture on Groundwater Quality in the Southern High Plains Aquifer

Bridget Scanlon (UTBEG) reviewed data answering three basic questions about the impacts of agriculture on groundwater quality:

- What impact does rain-fed (dryland) agriculture have on soil water and groundwater quality ?
- How does irrigation affect soil water and groundwater quantity and quality ?
- How can irrigation be managed to achieve sustainability with respect to water quantity and quality ?

Sustainable practices from a water quality perspective include:

- Irrigating with more water in order to reduce salt buildup in soils;
- Reducing nitrogen application and accounting for nitrogen in irrigation water in order to reduce nitrogen leaching;
- Growing a winter cover crop in order to take up nitrogen; and,
- Rotating between irrigated and rain-fed agriculture in order to reduce groundwater degradation.

In summary:

- There are large salt accumulations under the Southern High Plains rangeland resulting from long-term drying conditions since the Pleistocene;
- Rain-fed agriculture:
 - Increases recharge to a median of 24 mm/yr; and,
 - Flushes salts into the southern High Plains (Ogallala) Aquifer.
- Irrigated agriculture:
 - Produces recharge similar to rain-fed agriculture;
 - Continues to flush salts that accumulate under native vegetation;
 - Accumulates salts in the soil profile;
 - Redistributes salts from the groundwater to the soil water;
 - Increases the concentrations of recirculating salts in the groundwater depending on the saturated thickness or assimilative capacity; and,
 - Will continue to increase introduced salts, such as nitrate, if fertilizer applications continue.

Donna Long (TSSWCB) arrived at 1:12 PM and was present for the remainder of the meeting.

4. BUSINESS DISCUSSION AND POSSIBLE ACTION

Joint Groundwater Monitoring and Contamination Report – 2009

Abiy Berehe (TCEQ) presented a letter to the TGPC requesting updates for the preparation of the *Joint Groundwater Monitoring and Contamination Report – 2009* (“*Joint Report*”) as well as a draft Table of Contents. Abiy Berehe noted that the submission deadline for updates is February 26, 2010 and the report publication deadline is April 1, 2010. This TGPC publication is prepared every year in order to document groundwater contamination cases in Texas. The primary audiences are county judges, county health officials, and Groundwater Conservation Districts (GCDs), but it is also a secondary notification to local officials if there are any groundwater contamination cases in their respective counties.

B.L. Harris (TAR) proposed, Bridget Scanlon (UTBEG) seconded, and all remaining TGPC members approved the draft Table of Contents for the 2009 *Joint Report* and its continued preparation.

Activities and Recommendations of the Texas Groundwater Protection Committee – Report to the 82nd Legislature

Cary Betz (TCEQ) explained that, prior to each new Legislative session, the TGPC is required to submit a report (“*Legislative Report*”) describing the activities of this Committee and providing recommendations to the Legislature. Six recommendations in the last *Legislative Report* were acted upon by the Legislature, seven were not acted upon, and the status of two recommendations is unknown. Cary Betz requested that TGPC members confer within their agency and decide on their recommendations for the next Legislative session.

Donna Long (TSSWCB) proposed, Bridget Scanlon (UTBEG) seconded, and all remaining TGPC members agreed to reactivate the Legislative Report Subcommittee.

All TGPC members in attendance agreed to be members of, or recommend a colleague for, the Legislative Report Subcommittee. Cary Betz (TCEQ) will follow up with those members not in attendance (TDLR, TAGD, and DSHS).

Texas Groundwater Protection Strategy – Continue Discussion of the Update

Cary Betz (TCEQ) requested additional input from TGPC members regarding the direction and focus of the *Texas Groundwater Protection Strategy* (“*Strategy*”) update. Cary Betz remarked that the current *Strategy* is quite general, and he would like committed support of the specifics in the *Strategy* update from TGPC member agencies. Project funding is always an issue, but *Strategy* goals may be accomplished with existing TGPC member agencies’ funding. Subsequent discussion included the following comments:

- Leslie Savage (RRC) – Keep the general *Strategy* topics, but add specifics within each topic; include both competing uses and beneficial uses.
- Bridget Scanlon (UTBEG) – Link water quality to water quantity and availability; better understand naturally-occurring contaminants.
- B.L. Harris:
 - Provide a comprehensive, online water well database (through Texas Natural Resources Information System (TNRIS) or UTBEG), including water well driller records, contamination reports, and monitoring data – a rural water well assistance program incorporated into TAES county agent outreach; and,
 - State and federal agencies should collaborate on and coordinate “community” water systems (multiple wells in the same aquifer).
- Cary Betz (TCEQ):
 - Require that water quality data be entered in the appropriate section of the water well driller’s report; and,
 - Provide a mechanism for submitting and analyzing samples from newly-drilled water wells, especially for naturally-occurring nitrates and arsenic.
- Janie Hopkins (TWDB) – TWDB’s Water Information Integration and Dissemination (WIID) has been chosen as one of the five pilot projects in preparation for a database network within a National Groundwater Monitoring Program, and this system may be able to address some of the above concerns.
- Alan Cherepon (TCEQ) – Texas Water Commission Report 89-01, *Ground Water Quality of Texas – An Overview of Natural and Man-Affected Conditions*, (<http://www.twdb.state.tx.us/publications/reports/GroundWaterReports/GWReports/TWC%20Report%2089-01/R89-01.pdf>) was an early attempt at summarizing location-specific groundwater contaminants and perhaps a similar online database could be established.
- Bridget Scanlon (UTBEG) – Provide a database of soil water quality based on UTBEG, USGS, and other studies – there may be some applicable data in the National Water Quality Assessment (NAWQA) data warehouse.
- Cary Betz (TCEQ):
 - Although good state and federal regulatory programs exist, the *Strategy* should identify additional actions which should be taken to protect both groundwater and rural groundwater users;
 - An information void regarding groundwater still exists, in addition to problems with disseminating groundwater information; and,
 - Epidemiologic studies should look for relationships between human health and groundwater quality (DSHS/TWDB/TCEQ).
- B.L. Harris (TAR):
 - DSHS has accumulated some groundwater-related epidemiologic information (Scott & White in Temple); and,
 - Animal (wildlife and livestock) health data (e.g., groundwater nitrates and its effects on swine and calves) from veterinary clinics may be helpful information.
- Bridget Scanlon (UTBEG):
 - Look at groundwater and climate issues; and,
 - Look at substances on the U.S. EPA contaminant candidate list (e.g., perchlorate and endocrine disrupters).

- Cary Betz (TCEQ):
 - Collect more data on the ability of On-Site Sewage Facilities (OSSFs) to remove compounds of concern, and confirm that existing OSSFs are functioning properly.

Cary Betz (TCEQ) indicated that he would provide a draft outline of the *Strategy* update by February 20, 2010.

Leslie Savage (RRC) left at 2:05 PM and was absent for the remainder of the meeting.

Set Future Meeting Date

The next TGPC quarterly meeting is scheduled for April 7, 2010 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 one case was reviewed by the Impact Evaluation Team (IET) during the past quarter and no letters were mailed to water well owners and users.

Groundwater Management Areas

Janie Hopkins (TWDB) reported that there are two petitions regarding Desired Future Conditions (DFCs) before the TWDB Board. The GMA 9 petition will be heard on January 21, 2010, and the GMA 1 petition will be heard in February 2010.

Regional Water Planning

Janie Hopkins (TWDB) reported that the planning groups are developing their draft plans and they are due March 1, 2010. There will then be a public comment period, and final plans are due September 1, 2010.

Groundwater Availability Modeling

Janie Hopkins (TWDB) reported that a baseline Groundwater Availability Modeling (GAM) run and a spread analysis for each of the GMAs' stated DFCs are in progress.

Nonpoint Source Pollution

Kerry Niemann (TCEQ) presented two charts to the TGPC related to the funding process for TCEQ's Nonpoint Source (NPS) pollution program:

- TCEQ Nonpoint Source Program Funding Structure; and,
- TCEQ 319 Grant Planning and Prioritization Chart.

The strategy of TCEQ's NPS program is to proactively provide assistance to stakeholders in targeted watersheds so that they can submit a higher-quality grant application. The U.S. EPA gauges project success on the amount and effectiveness of load reduction in impaired water bodies, and one high-profile project was the Antioch Cave Best Management Project (BMP) with BSEACD where a groundwater recharge feature in Onion Creek was protected from "first flush" contamination. The *Texas NPS Management Program* (prepared every five years by TCEQ and TSSWCB) is currently being revised, and the annual 319 grant cycle is currently in the planning and prioritization stage. The TGPC is invited to participate in both of these areas.

Lauren Bilbe (TCEQ) added that groundwater activities are eligible for Clean Water Act (CWA) Section 319 funding to the extent that they are identified directly in the state's NPS management program or through incorporation in the management program by reference to the state's groundwater protection strategy. Where appropriate, the updated *Texas NPS Management Program* can reference portions of the updated *Texas Groundwater Protection Strategy*.

Cary Betz (TCEQ) observed that the current *Texas NPS Management Program* refers to the outdated "Depth to water; annual Recharge; Aquifer media; Soil media; Topography; vadose zone Impact; hydraulic Conductivity" (DRASTIC) program, and perhaps the TGPC's NPS Task Force should be re-activated in order to address this and other opportunities. Donna Long (TSSWCB) thought that working through the TGPC's Groundwater Research Subcommittee, or holding a TGPC Work Session, may be more efficient ways to collect the information needed for the *Texas NPS Management Program* update.

National Groundwater Initiatives

Cary Betz (TCEQ) reported that Texas was accepted as one of the five pilot projects in preparation for a database network within a National Groundwater Monitoring Program. The other pilot projects will be in Minnesota, Illinois/Indiana, New Jersey, and Montana. There will be an initial conference call on January 28, 2010. The U.S. Department of the Interior's Advisory Committee on Water Information (ACWI, <http://acwi.gov/>) Groundwater Subcommittee (<http://acwi.gov/sogw/index.html>) is drafting a letter to Congress requesting funding for a National Groundwater Monitoring Program. ACWI will be developing a U.S. EPA data portal for this program, and Cary Betz suggested that the Edwards Aquifer Water Quality and Biological Data Clearinghouse (<http://tx.usgs.gov/edwh/>) would be a good model for this data portal. Janie Hopkins (TWDB) added that ACWI wants to focus on "stressed" wells and the definition of that term may be open to modification (i.e., reflecting groundwater quality as well as quantity).

Drought Status

Cary Betz (TCEQ) referred the TGPC to the most recent U.S. Drought Monitor and TCEQ drought-affected Public Water Supply Systems maps. Since the last TGPC

meeting, drought conditions have improved significantly across the state and fewer systems are affected. Continued improvement is forecast through March 2010 for the few counties still under severe drought conditions.

6. ANNOUNCEMENTS

Rules Update

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

- 2010-009-025-CE: Lab Accreditation
- 2009-055-007-PR: Memorandum of Understanding Between the TCEQ and the Rail Road Commission of Texas – scheduled to go before TCEQ’s Commissioners on March 30, 2010
- 2009-044-331-PR: SB 1387: Injection and Storage of Anthropogenic Carbon Dioxide
- 2009-034-311-PR: Water Quality Management within the Barton Creek and Onion Creek Watersheds
- 2009-020-290-OW: Federal Lead Copper Revisions and Federal Corrections for Surface Water, Disinfection, and Groundwater
- 2009-011-321-PR: Revisions to certain Subchapters of 30 TAC Chapter 321 related to revised EPA CAFO rules
- 2008-022-213-CE: Edwards Aquifer – on temporary hold
- 2007-049-298-OW: HB 3/SB 3: Environmental Flow Standards
- 2007-002-307-OW: Texas Surface Water Quality Standards

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

New Publications

Donna Long (TSSWCB) announced that the *2009 Annual Report – Managing NPS Pollution in Texas* should be available by the next TGPC meeting.

Cary Betz (TCEQ) announced that the *Joint Groundwater Monitoring and Contamination Report – 2008* was published and is available online (http://www.tceq.state.tx.us/comm_exec/forms_pubs/pubs/sfr/056_08_index.html). Twenty requests for hard copies were received from county judges.

Kelly Mills (TCEQ) announced that the publication target date for the updated *Landowner’s Guide to Plugging Abandoned Water Wells* (TCEQ publication RG-347) is January 31, 2010.

Cary Betz (TCEQ) noted that the TGPC’s eight Frequently Asked Questions (FAQs) related to groundwater and uranium mining had been drafted by David Murry (TCEQ

Radioactive Materials Division). The TGPC sent a thank you letter to David Murry's supervisor acknowledging his contribution.

Upcoming Conferences

Cary Betz (TCEQ) referred TGPC members to the conferences listed in the "2010 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>. Cary Betz pointed out the First Stakeholder Meeting of the Carrizo-Wilcox Aquifer Study (<http://www.beg.utexas.edu/cswr/aquiferstudy/>) on January 28, 2010 in Austin, TX.

Donna Long (TSSWCB) announced a Texas Water Resources Institute (TWRI) Texas Watershed Planning Short Course on May 10 – 14, 2009 in Bandera, TX (<http://watershedplanning.tamu.edu/media/1284/flyer.pdf>). This training will provide participants with guidance on stakeholder coordination, education, and outreach; meeting the U.S. EPA's nine key elements of a watershed protection plan; data collection and analysis; and the tools available for plan development.

B.L. Harris (TAR) noted the existence of the U.S.-Mexico Transboundary Aquifer Assessment Program. Ann Ardis (USGS) announced that there would be a bi-national meeting for this program on January 26, 2010 in El Paso, TX.

7. PUBLIC COMMENT

There was no public comment.

8. ADJOURN

Cary Betz (TCEQ) adjourned the meeting at approximately 3:19 PM CDT.