

TEXAS GROUNDWATER PROTECTION COMMITTEE
RECORD OF MEETING
 Fourth Quarterly Meeting, Fiscal Year 2011

Meeting Date: July 20, 2011
 Meeting No.: 90

Place: TCEQ Campus, Bldg F
 Room: 2210

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MEETING ATTENDANCE

Committee Members

Cary Betz

Janie Hopkins

Peter Pope

Tom Ellerbee

David Villarreal

Richard Egg

David Van Dresar

Neal Wilkins

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)

Texas Department of Licensing and Regulation

Agency Staff

Kevin Wagner

Lauren Bilbe

Alan Cherepon

Paul S. Lewis

Kathy McCormack

Kelly Mills

Joe Peters

L. Scott Underwood

Affiliation

TAR

TCEQ

TCEQ

TCEQ

TCEQ

TCEQ

TCEQ

TCEQ

Program

Water Quality Planning Division

Water Supply Division

Remediation Division

Water Supply Division

Water Supply Division

Water Supply Division

Water Supply Division

Interested Parties

Mark Dobson

Christy Muse

Mary Musick

Steve Musick

Affiliation

DNA Geosciences

Hill Country Alliance

Musick Groundwater Consulting

Musick Groundwater Consulting

MEETING HANDOUTS

1. Agenda for Texas Groundwater Protection Committee meeting on July 20, 2011
2. Record for Texas Groundwater Protection Committee meeting on April 20, 2011
3. Summary of Texas Groundwater Protection Committee (TGPC) Public Outreach and Education (POE) Subcommittee Meeting on June 8, 2011
4. Summary of Texas Groundwater Protection Committee (TGPC) Nonpoint Source (NPS) Task Force (TF) Meeting on June 3, 2011
5. Drought 2011 – U.S. Drought Monitor, Texas as of July 12, 2011; U.S. Seasonal Drought Outlook July – September 2011; Public Water Supply Systems Affected as of July 8, 2011
6. *Pull Up Your Water Well Report – Online !*, TCEQ publication GI-416 (April 2011), <http://www.tceq.texas.gov/publications/gi/gi-416.html>
7. TCEQ Public Drinking Water Conference brochure
8. Texas Watershed Coordinator Roundtable, “Bacteria Dynamics, Assessment Methods, and BMPs” agenda, July 27, 2011
9. 2011 Water-related Conferences in Texas, July 2011

MEETING RECORD OF JULY 20, 2011

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 1:11 PM CDT. TGPC members then introduced themselves. All member agencies except for the University of Texas Bureau of Economic Geology (UTBEG) were present.

2. SUBCOMMITTEE REPORTS

Agricultural Chemicals

Joe Peters (TCEQ) reported that the TGPC Agricultural Chemicals Subcommittee met for their Fiscal Year 2011 Fourth Quarter meeting that morning.

For the Site Selection Task Force, Janie Hopkins (TWDB), the Task Force Chair, reported that TWDB's sampling continues, with 360 samples collected so far (175 in the Trinity Aquifer, 90 in the Edwards-Trinity Plateau Aquifer, and lesser numbers in other aquifers).

For the Pesticide Management Plan Task Force, Alan Cherepon (TCEQ), the Task Force Co-Chair, reported that five pesticides remain to be assessed for the POINTS (Pesticides Of INterest Tracking System) database by the end of the calendar year.

Alan Cherepon (TCEQ) gave a presentation on this year's sampling activities by both TCEQ and the cooperative monitoring by TWDB in the lower Rio Grande Valley, the Corpus Christi area, and the Texas Panhandle. There were a few detects by both immunoassay and laboratory methods, but they were all at very low levels (well below action levels). Several graphs plotting atrazine concentrations in the Panhandle show a steady decline.

During the Business Items portion of the meeting, Agricultural Chemicals Subcommittee members reviewed their Task Forces:

- It was decided that the Best Management Practices Task Force and the Data Evaluation and Interpretation Task Force would not be placed on the quarterly agenda unless a specific need for these two Task Forces arises in the future.
- For now, the Educational Task Force would consist of:
 - Alan Cherepon (TCEQ), who would report on appropriate activities of the TGPC's Public Outreach and Education Subcommittee; and,
 - Mark Matocha (Texas AgriLife Extension Service), who would report on their appropriate activities.
- The Pesticide Management Plan and Site Selection Task Forces would continue as before.

Data Management

Cary Betz (TCEQ) reported that the Data Management Subcommittee had not met since the last TGPC meeting and again requested that representative names be forwarded to him after the meeting. A Data Management Subcommittee meeting will be scheduled shortly.

Public Outreach and Education

Kathy McCormack (TCEQ) reported that the TGPC POE Subcommittee last met on June 8, 2011 and nine state agencies and organizations were represented.

The 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:

- TAES Water Well Screening Events
 - Nine since the previous TGPC POE Subcommittee meeting (504 samples)
 - Four planned through October 2011
- TAES Abandoned Water Well Closures
 - None since the previous TGPC POE Subcommittee meeting
 - None planned at this time
- TGPC Booth
 - One since the previous TGPC POE Subcommittee meeting (389 estimated attendees)
 - Two planned through August 2011

The TGPC sponsored several “National Groundwater Awareness Week, March 6 – 12, 2011” posters for TGPC member agencies and in the Austin area with 1,337 estimated attendees at the Texas Capitol Annex, Austin Nature Science Center, and Austin Cave Festival.

The Google Analytics report on TGPC website activity statistics for June 1, 2010 through June 1, 2011 was provided to the POE Subcommittee. For the last year, the seven monitored TGPC webpages averaged 45 unique visitors per day, with website visitation peaking after the quarterly GovDelivery emails announcing each TGPC meeting.

The POE Subcommittee approved updates of the *What is the Status of the Regional Water Planning Group (RWPG) Process ?* and *What Does It Cost to Conduct Regional Water Planning Group (RWPG) Activities ?* FAQs with the changes discussed at the meeting.

There was extensive discussion of the first two draft FAQs related to Oil and Gas Waste Disposal Wells and Water Quality. Peter Pope (RRC) agreed to work with Fred Duffy (TCEQ) and bring revised FAQs to the next POE Subcommittee 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_Strat03Oct2007.pdf) was discussed:

- Diane Boellstorff (TAES) reported that emails had been sent in early June 2011 to selected TAES county agents across the state which introduced the TGPC and announced the availability of its groundwater-related FAQs. A follow-up survey is planned for later this year to evaluate usage of the FAQs.

FAQs on the following topics are in various stages of revision:

- Oil and Gas Waste Disposal Wells and Water Quality:
 - *What is an Injection Well ?*
 - *How Are Class II Underground Injection Control (UIC) Oil and Gas Waste Disposal Wells Regulated ?*
 - *What Are the Construction Standards for Class II Underground Injection Control (UIC) Oil and Gas Waste Disposal Wells ?*
 - *How Are Class II Underground Injection Control (UIC) Oil and Gas Waste Disposal Wells Regulated to Protect Water Quality ?*
 - *What Are the Permitting Processes for a Class II Underground Injection Control (UIC) Oil and Gas Waste Disposal Well ?*
 - *How Are Class II Underground Injection Control (UIC) Oil and Gas Waste Disposal Wells Monitored to Ensure That They Are Not Leaking ?*
- *What are the Statewide Water Well Databases ?*

The next POE Subcommittee meeting is scheduled for September 20, 2011.

Groundwater Research

Kevin Wagner (TAR) reported that the Groundwater Research Subcommittee met that morning and six member agencies and five guests were present. The Subcommittee discussed sources of funding and current calls for proposals:

- TCEQ’s Section 319 Request For Proposal (RFP);
- The Coastal Management Program; and,
- TSSWCB’s Section 319 RFP.

The Groundwater Research Subcommittee also discussed the progress on white papers:

- Characterization of Groundwater / Surface Water Interactions with Respect to Water Quantity and Quality;
- Aquifer Storage and Recovery (ASR) Programs in Texas;
- Quantification and Vulnerability of Dynamic Aquifer Systems (e.g., karst and alluvial aquifers) to Contamination (focusing particularly pathogens);
- Evaluation of Groundwater Treatment Methodologies for Effectiveness and Economics in Relationship to Removal of Contaminants; and,
- Health Aspects of Lignite Deposits Associated with Groundwater.

During the Information Exchange portion of the meeting, the Groundwater Research Subcommittee discussed the need for research on the impacts of hydraulic fracturing.

Nonpoint Source

Richard Egg (TSSWCB) reported that the Nonpoint Source (NPS) Task Force last met on June 3, 2011 and six state agencies and organizations were represented. A summary was presented of the Fiscal Year 2011 Third Quarter meeting held on March 11, 2011. The latest draft of the *Texas Nonpoint Source Management Program* was discussed by the Task Force. The Task Force provided recommendations to maintain an Appendix for groundwater providing NPS and vulnerability prioritizations. Suggestions regarding goals and objectives for the state in Chapters 1 and 2 of the *Management Program*, along with the groundwater Appendix, will be provided by the NPS Task Force prior to the next meeting.

The next NPS Task Force meeting date is scheduled for September 9, 2011.

3. PRESENTATION

Agency Legislative Roundtable Discussion – Committee Members Will Discuss Groundwater Legislation Passed by the 82nd Legislature and Its Effect on Their Respective Agencies

Richard Egg (TSSWCB) reported that the Brush Control program had received \$4.27 million per year in the 2010 – 2011 biennium; in the 2012 – 2013 biennium, the program will receive \$2.14 million per year. The program's name has been changed to the State Water Enhancement program, program goals and priorities are now required, and feasibility studies and hydrological modeling will need to accompany future projects. Development of a Water Conservation Plan Program was not funded. An update of the TEX*A*Syst Program will be funded through TSSWCB via the Texas Well Owner Network (TWON, <http://twon.tamu.edu/>).

David Van Dresar (TAGD) reported that Senate Bill (SB) 332 regarding landowner's property rights in groundwater, Groundwater Conservation District's (GCD's) ability to govern these property rights, and the rule of capture passed. In addition, SB 660 regarding the change from Managed Available Groundwater to Modeled Available Groundwater (MAG) which GCDs can utilize in their Desired Future Conditions (DFC) process passed; this bill also added some planning requirements on GCDs. In addition, two new GCDs were created, subject to voter confirmation.

Tom Ellerbee (DSHS) was not aware of any groundwater-related legislation that directly affected his agency.

Janie Hopkins (TWDB) reported that, if approved by the voters in November 2011, TWDB will have the authority to have no more than \$6 billion in general obligation bonding authority outstanding at any time. The agency will continue its current required

practice of receiving approval from the Bond Review Board for all bonds issued, as well as Legislative Budget Board approval for the issuance of non-self supporting bonds. TWDB did not receive legislative approval to lift the cap on the Executive Administrator's salary. TWDB's full exemption from the Data Center Services contract with IBM at the Department of Information Resources was not approved. TWDB's approved Sunset legislation did not modify the DFC appeals process. Two new Board members were confirmed: Monte Cluck (Gruver) and Billy Bradford (Brownsville). Reductions in agency funding in the next biennium forced several downsizing measures, and the Groundwater Resources Division (one tenth of the agency) lost 13 people (one third of the cuts). The TGPC's Legislative Recommendation related to Brackish/Saline Aquifers and Real-Time Groundwater-Level Monitoring still has support within the agency.

Cary Betz (TCEQ) reported that TCEQ's Surface Casing program area was being transferred to RRC. Rulemaking will be undertaken for SB 313 and SB 660. SB 430 requires TCEQ to notify GCDs of groundwater contamination cases – this had been done since August 2010 by copying GCDs on groundwater contamination notices, but now they will get their own letter. Additional approved legislation dealt with GCD requirements, clarification of well exemptions and definitions, and GCD management plans.

Peter Pope (RRC) reported that the agency is working on rulemaking to require oil and gas operators to disclose their hydraulic fracturing (“fracing”) fluid composition. Cary Betz (TCEQ) noted that the Ground Water Protection Council (GWPC, http://www.gwpc.org/home/GWPC_Home.dwt) has co-sponsored the FracFocus (<http://fracfocus.org/>) website, a voluntary program where you can find fracing chemical information.

David Villarreal (TDA) reported that their Commissioner closely followed the progress of SB 332. Also of interest, proposed legislation for funding Edward Aquifer Recovery and Implementation Program (EARIP, <http://earip.org/>) initiatives was not approved. Cary Betz (TCEQ) noted that non-agriculture-related well pumpers within the Edwards Aquifer Authority's jurisdiction will be funding the EARIP program.

David Gunn (TDLR) reported that there had been no groundwater-related legislation that directly affected his agency. The TGPC's Legislative Recommendation regarding an Abandoned Water Well Plugging Fund had not been approved.

Neal Wilkins (TAR) reported that TAR and Texas AgriLife Extension Service (TAES) had been heavily impacted by budget cuts. Only SB 449, related to ad valorem taxation of water stewardship lands, specifically mentioned TAR. The TGPC Legislative Recommendations related to Protecting Groundwater Quality through Education Programs and Groundwater Treatment Methodologies will be addressed through the TWON project and the TCEQ/TAES Public Outreach and Education contract. The TGPC Legislative Recommendation related to Characterizing Groundwater/Surface Water Interactions will be addressed by the Colorado River Alluvium Aquifer Below

Austin project (TCEQ/UTBEG/Texas Water Resources Institute). Kevin Wagner (TAR) agreed to provide information about the TGPC Legislative Recommendation related to the Texas High Plains Evapotranspiration Network after the meeting.

4. BUSINESS DISCUSSION AND POSSIBLE ACTION

Review, Discuss, and Approve Publications and Popular Press Articles

No publications or popular press articles were reviewed at the meeting.

Set Future Meeting Date

The next TGPC quarterly meeting is scheduled for October 12, 2011 at 1:00 PM CDT.

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) reviewed six groundwater contamination cases in the past quarter with 38 letters being mailed to private water well owners and users.

Groundwater Management Areas

Janie Hopkins (TWDB) reported that they are still processing Managed Available Groundwater (MAG) values and have completed 64 draft MAG reports out of a total of 74 submitted Desired Future Conditions (DFCs). TWDB received comments for exempt use on 16 of the 64 MAGs and have recently finalized these reports. David Van Dresar (TAGD) reported that Groundwater Management Area (GMA) 12 had recently received two DFC petitions.

Regional Water Planning

Janie Hopkins (TWDB) reported that their Board had authorized the execution of 16 contracts for the fourth cycle of Regional Water Planning by the end of August 2011.

Groundwater Availability Modeling

Janie Hopkins (TWDB) reported that their Groundwater Monitoring area recently lost two staff due to downsizing at the agency, and one will retire at the end of August, leaving eight staff plus the manager; the Groundwater Technical Assistance area lost five staff, leaving five staff plus the manager; and the Groundwater Availability Modeling area lost six staff, leaving six staff plus the manager (for a total loss of 13 staff plus one retiree out of the Groundwater Resources Division). Priorities with the reduced resources are currently being re-assessed.

Nonpoint Source Pollution

Richard Egg (TSSWCB) reported that:

- TCEQ's Section 319 program grant RFP closes July 29, 2011 and TSSWCB's RFP will be open September 2, 2011;
- Section 319 funding from the U.S. Environmental Protection Agency (EPA) has been cut 18% from the base (general) funds for Fiscal Year 2012;
- Activities associated with generation of the 2011 NPS Annual Report have begun and summaries of nonpoint source pollution projects are welcome; and,
- The *Texas Nonpoint Source Management Program* five-year plan is in development – a draft should be available to stakeholders in August 2011, and the deadline for submitting the final version to U.S. EPA is May 2012.

David Villarreal (TDA) noted that:

- Feral hog activity has been increasing due to the drought, possibly leading to decreased water quality due to bacterial contamination; and,
- A proposed cut in produce monitoring funding was reversed due to the recent *E. coli* outbreak in Germany.

National Groundwater Initiatives

Janie Hopkins (TWDB) reported that reports from the five pilot project states are available on the U.S. Department of the Interior's Advisory Committee on Water Information (ACWI, <http://acwi.gov/>) Subcommittee on Groundwater (SOGW) webpage (<http://acwi.gov/sogw/index.html>). The USGS-designed National Groundwater Monitoring Network and Monitoring Program pilot projects' web portal (http://cida.usgs.gov/gw_data_portal/) is now live and contains 425 Texas wells with water level information in eight major aquifers (not including the Ogallala Aquifer) and 800 Texas wells with water quality information.

Janie Hopkins (TWDB) also reported on a UTBEG-proposed study that would be funded by the U.S. Centers for Disease Control (CDC) regarding "Enhancing Capacity for Environmental and Public Health Surveillance of Unregulated Drinking Water". Cary Betz (TCEQ) noted that the TGPC has provided a letter of support for this study concerning rural water well owners.

Mary Musick (Musick Groundwater Consulting) reported that:

- The ACWI/SOGW final report should also be available on their website soon;
- Funding for the USGS web portal should continue after October 1, 2011;
- There have been some reorganizations within the USGS water programs;
- The U.S. House of Representatives has added specific funding for a national groundwater database;
- There will be a GWPC meeting in Atlanta, Georgia in September 2011;
- The U.S. EPA has a new draft guidance document regarding identification of "Waters of the United States" that are protected by the Clean Water Act; and,
- The U.S. EPA will issue new draft stormwater rules in September 2011.

Steve Musick (Musick Groundwater Consulting) reported from the recent National Ground Water Association (NGWA, <http://www.ngwa.org/Pages/default.aspx>) Ground Water Summit that a study regarding the grouting of water wells with clear plastic casing showed ineffective sealing and new research in this area may be needed.

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 and reported that 247 out of 254 Texas counties currently have burn bans in effect (the highest percentage ever). As of July 12, 2011, exceptional drought conditions affect 72% of the state, 100% of the state is in one of the five drought categories, and the drought is forecast to persist through at least the end of September 2011. As of July 8, 2011, of the 4,730 active community water systems in Texas, 551 (up from 97 in April 2011 and the highest on record) have been affected by drought (either voluntary or mandatory), and 395 of these use groundwater (either exclusively or partially).

Janie Hopkins (TWDB) reported that March through June 2011 was the hottest average three-month period in the last 111 years. David Van Dresar (TAGD) reported from the recent Drought Preparedness Council meeting that Oct 2010 through June 2011 had been the driest nine months on record, we are currently in the third worst drought in Texas history, and most GCD residents are concerned with water use in the oil and gas industry.

6. ANNOUNCEMENTS

Rules Update

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

- 2011-037-007-WS, HB 2694 (Art. 2): RRC Transfer
- 2011-033-036-LS, HB 2694 (5.03): Water Curtailment
- 2010-042-OTH-NR, Pesticide General Permit TXG 870000

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

New Publications

Cary Betz (TCEQ) announced one TCEQ publication:

- *Pull Up Your Water Well Report – Online !*, GI-416 (April 2011), <http://www.tceq.texas.gov/publications/gi/gi-416.html>

Janie Hopkins (TWDB) announced two TWDB publications:

- *Water Quality in the Blaine Aquifer*, Report 376, http://www.twdb.state.tx.us/publications/reports/GroundWaterReports/GWReports/R376_Blaine.pdf; and,

- *Changes in Water Levels in Texas, 1995 to 2005, Report 379*,
http://www.twdb.state.tx.us/publications/reports/GroundWaterReports/GWReports/R379_WaterLevels.pdf.

Upcoming Conferences

Cary Betz (TCEQ) referred TGPC members to the conferences listed in the “2011 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) referenced the brochure for the Public Drinking Water Conference on August 9 – 10, 2011 and requested assistance with staffing the TGPC exhibit booth at the conference. TGPC members were asked to contact Kathy McCormack (TCEQ) as soon as possible in order to sign up for a shift.

Cary Betz (TCEQ) also referenced the agenda for the Texas Watershed Coordinator Roundtable, “Bacteria Dynamics, Assessment Methods, and BMPs”, on July 27, 2011.

7. PUBLIC COMMENT

Scott Underwood (TCEQ) asked whether new Regional Water Planning would be required if the current drought became the new drought of record. Janie Hopkins (TWDB) replied that the data would be included in the next round of plans (2016).

Kelly Mills (TCEQ) acknowledged TCEQ staff from the Groundwater Planning and Assessment Team who support the TGPC’s efforts throughout the year.

8. ADJOURN

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