

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

Meeting Date: October 26, 2009  
 Meeting No.: 83

Place: TCEQ Campus, Bldg F  
 Room: 2210

TABLE OF CONTENTS

<b>MEETING ATTENDANCE .....</b>	<b>2</b>
<b>MEETING HANDOUTS.....</b>	<b>3</b>
<b>MEETING RECORD OF OCTOBER 26, 2009 .....</b>	<b>4</b>
1. CALL TO ORDER AND INTRODUCTIONS .....	4
2. SUBCOMMITTEE REPORTS.....	4
Agricultural Chemicals .....	4
Data Management .....	5
Public Outreach and Education.....	5
Groundwater Research.....	6
3. PRESENTATION.....	7
History of the Texas Groundwater Protection Committee .....	7
4. BUSINESS DISCUSSION AND POSSIBLE ACTION.....	7
Texas Groundwater Protection Strategy – Continue Discussion of the Update .....	7
Review and Approve Letter of TGPC Support for Major Rivers School-based Water Education Program.....	7
Review and Approve Revised Landowner’s Guide to Plugging Abandoned Water Wells .....	7
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.....	8
Nonpoint Source Pollution.....	9
National Groundwater Initiatives.....	9
Drought Status .....	9
6. ANNOUNCEMENTS.....	10
Rules Update.....	10
New Publications .....	11
Upcoming Conferences.....	11
7. PUBLIC COMMENT .....	11
8. ADJOURN.....	11

**MEETING ATTENDANCE**

Committee Members

Mark Vickery

Cary Betz

Janie Hopkins

Leslie Savage

Ken Ofunrein

Richard Eyster

Donna Long

B.L. Harris

Bridget Scanlon

David Gunn

Affiliation

Texas Commission on Environmental Quality (TCEQ)

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 AgriLife Research (TAR)

University of Texas Bureau of Economic Geology (UTBEG)

Texas Department of Licensing and Regulation (TDLR)

Agency Staff

Abiy Berehe

Lauren Bilbe

Mike Chadwick

Alan Cherepon

Larry Diamond

Peggy Hunka

Isaac Jackson

Paul S. Lewis

Kathy McCormack

Kelly Mills

Ashley Morgan

Joe Peters

L'Oreal Stepney

Greg Tipple

L. Scott Underwood

Marcia Workman

David Villarreal

Bruce Lesikar

Linda Ruiz McCall

Affiliation

TCEQ

TDA

Texas AgriLife Extension Service (TAES)

TWDB

Program

Water Supply Division

Water Quality Planning Division

Water Supply Division

Water Supply Division

Water Quality Division

Water Supply Division

Intergovernmental Relations

Remediation Division

Water Supply Division

Water Supply Division

Intergovernmental Relations

Water Supply Division

Office of Permitting & Registration

Remediation Division

Water Supply Division

Water Supply Division

Interested Parties

Ann Ardis

Gary Franklin

Bill Mullican

Mary Musick

Steve Musick

Affiliation

United States Geological Survey (USGS)

Lower Colorado River Authority (LCRA)

Musick Groundwater Consulting

Musick Groundwater Consulting

## MEETING HANDOUTS

1. Agenda for Texas Groundwater Protection Committee meeting on October 26, 2009
2. Record for Texas Groundwater Protection Committee meeting on July 15, 2009 (TGPC members only)
3. Summary of Texas Groundwater Protection Committee (TGPC) Public Outreach and Education (POE) Subcommittee Meeting September 30, 2009
4. Draft TGPC letter of Support for *Major Rivers* School-based Water Education Program (TGPC members only)
5. *Major Rivers* student workbook and home leaflet (in English and Spanish, TGPC members only)
6. TWDB Kids brochure
7. Draft update of TCEQ publication RG-347, *Landowner's Guide to Plugging Abandoned Water Wells*,  
[http://www.tceq.state.tx.us/comm\\_exec/forms\\_pubs/pubs/rg/rg-347.html](http://www.tceq.state.tx.us/comm_exec/forms_pubs/pubs/rg/rg-347.html) (TGPC members only)
8. U.S. Drought Monitor, Texas as of October 20, 2009; Drought 2009 – Public Water Supply Systems Affected as of October 1, 2009; U.S. Seasonal Drought Outlook October 2009 – January 2010 (TGPC members only)
9. TCEQ Rules Update 10/26/2009 (TGPC members only)
10. TCEQ publication GI-400, *Saving Water Saves Money*,  
[http://www.tceq.state.tx.us/comm\\_exec/forms\\_pubs/pubs/gi/gi-400.html](http://www.tceq.state.tx.us/comm_exec/forms_pubs/pubs/gi/gi-400.html)
11. 2009 – 2010 Water-related Conferences in Texas
12. TGPC refrigerator magnets

For all handouts listed as “TGPC members only”, a display copy was also provided for the public.

## MEETING RECORD OF OCTOBER 26, 2009

### 1. CALL TO ORDER AND INTRODUCTIONS

Mark Vickery (TCEQ), Chair of the Texas Groundwater Protection Committee (TGPC), called the meeting to order at approximately 1:09 PM CDT. TGPC members then introduced themselves. A representative from TAGD was not present at the meeting, and representatives from UTBEG and TSSWCB were not present at the beginning of the meeting.

### 2. SUBCOMMITTEE REPORTS

The Subcommittee Reports were given after the presentation and break when Cary Betz (TCEQ) called the meeting back to order.

#### Agricultural Chemicals

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

For the Site Selection Task Force, Janie Hopkins (TWDB) reported that they had completed sampling in the Gulf Coast Aquifer and had begun sampling in the Carrizo-Wilcox Aquifer; however, sampling has ended for the season and will resume in March 2010.

For the Educational Task Force, Bruce Lesikar (TAES) reported that they were in the planning process for 2010:

- Pesticide Application Training and Water Well Screening educational events;
- Development of educational materials; and,
- Revising Texas\*A\*Syst.

For the Pesticide Management Plan (PMP) Task Force, Alan Cherepon (TCEQ) reported that evaluation and classification of the second tier of pesticides as possible Pesticides of Interest or Pesticides of Concern under the U.S. Environmental Protection Agency's (EPA's) Pesticides Of Interest Tracking System (POINTS) was on schedule.

Alan Cherepon (TCEQ) gave a final summary report on 2009's Groundwater Pesticide Monitoring. There were a few corrections and some additional data from the preliminary report given at the last meeting.

During the Information Exchange portion of the meeting:

- Alan Cherepon (TCEQ) gave an update on how U.S. EPA is following up on the 6th Circuit Court of Appeal's decision that pesticide applications near surface water will need National Pollutant Discharge Elimination System (NPDES) discharge permits. There is very little definite information on this subject except that it will be achieved with a general NPDES discharge permit.

- Ed Baker (Syngenta) gave a summary of the results of monitoring surface water sources for atrazine in order to evaluate atrazine for re-registration. Only Crosby, TX and Corsicana, TX had yearly averages above 1.0 parts per billion (ppb) in the source water (the Maximum Contaminant Level (MCL) for atrazine is 3.0 ppb).

B.L. Harris requested that the final summary report on 2009's Groundwater Pesticide Monitoring be provided to the TGPC.

#### Data Management

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

#### Public Outreach and Education

Bruce Lesikar (TAES) reported that the Public Outreach and Education (POE) Subcommittee last met on September 30, 2009 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\\_TGPCboothEvents30Sep2009.pdf](http://www.tgpc.state.tx.us/subcommittees/POE/WellScreening_Closure_TGPCboothEvents30Sep2009.pdf)) was reviewed:

- TAES Water Well Screening Events
  - Five since the previous POE Subcommittee meeting (260 samples)
  - Five planned through January 2010
- TAES Abandoned Water Well Closures
  - None since the previous POE Subcommittee meeting
  - One planned through December 2009
- TGPC Booth
  - Three since the previous POE Subcommittee meeting (105 estimated attendees)
  - Four planned through December 2009

TCEQ's schedule of upcoming agricultural waste pesticides collections

(<http://www.tceq.state.tx.us/assistance/AgWaste/schedule.html>) was distributed.

Feedback was also requested on a draft status report on the *TGPC POE Groundwater Educational Outreach Plan Implementation Strategy* prior to more detailed review and discussion at the next POE Subcommittee meeting.

Linda Ruiz McCall (TWDB) presented a summary of the *Major Rivers* school-based water education program, and a letter of TGPC support for this program was approved by the POE Subcommittee. The letter was being presented to the TGPC that day for their consideration – if approved, it will be mailed to 96 Groundwater Conservation Districts, 12 River Authorities, and 12 Geological Societies in Texas.

A draft revision of the *Landowner's Guide to Plugging Abandoned Water Wells* (TCEQ publication RG-347) had been prepared by David Gunn (TDLR), David Van Dresar

(TAGD), Scott Underwood (TCEQ), and Kathy McCormack (TCEQ). The revised publication was approved by the POE Subcommittee with the changes discussed at the meeting, and it was being presented to the TGPC that day for their consideration and approval. Feedback was also requested on a draft revision of the *Plugging Abandoned Water Wells* brochure (TAES publication L-5413) prior to more detailed review and discussion at the next POE Subcommittee meeting.

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 ?*
- *Plugging Abandoned Water Wells* (TAES L-5413)
- 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 ?*
  - *Is the Uranium Recovered from Mining Ready to Be Used ?*
  - *How Has In-Situ Uranium Mining Changed Since It Was First Applied ?*
- *Have Radionuclides Been Detected in Texas Groundwater ?*

The next POE Subcommittee meeting is scheduled for January 6, 2010.

#### Groundwater Research

Bridget Scanlon (UTBEG) reported that most of the discussion at that morning's Groundwater Research Subcommittee meeting involved land application wastes (agricultural, municipal, and industrial sources), their potential impacts on groundwater and surface water, and the need for deeper sampling and statistical analysis of the 3,000 land application sites in Texas. Also discussed was the U.S. EPA's regulations and how they are not providing sufficient protection for rural water consumers (e.g., from nitrates, arsenic, and organic contamination), and that a program should be developed to assist them. B.L. Harris (TAR) added that there needs to be better maintenance of "community water systems" composed of multiple wells in the same aquifer (e.g., point-of-use treatment coupled with a management system), as well as statistical sampling of historic land waste applications to assure that they have not produced any long-term problems. The U.S. EPA Clean Water Act Section 319(h) Nonpoint Source (NPS) pollution program and the revision of its five-year plan to include groundwater-related Request for Proposal (RFP) projects were also discussed at the meeting.

### 3. PRESENTATION

The presentation was given before the Subcommittee Reports.

#### History of the Texas Groundwater Protection Committee

In lieu of a presentation, Cary Betz (TCEQ) welcomed everyone to the TGPC's 20th Anniversary meeting and provided a brief history of the Texas Groundwater Protection Committee's 20 years of service to the citizens of Texas. The TGPC bridges the gap between groundwater programs across the state (TGPC membership includes nine state agencies and a statewide association) and works to protect groundwater as a vital resource. Everyone was then invited to take a short break and enjoy the light refreshments.

Donna Long (TSSWCB) and Bridget Scanlon (UTBEG) arrived during the presentation and were present for the remainder of the meeting.

### 4. BUSINESS DISCUSSION AND POSSIBLE ACTION

#### Texas Groundwater Protection Strategy – Continue Discussion of the Update

Cary Betz (TCEQ) reported that a draft update of the *Texas Groundwater Protection Strategy* is almost complete and it should be sent out to the TGPC before the next meeting. Input on a groundwater monitoring strategy from the Data Management Subcommittee will be included in the updated document.

#### Review and Approve Letter of TGPC Support for Major Rivers School-based Water Education Program

Linda Ruiz McCall (TWDB) presented a summary of the *Major Rivers* school-based water education program. Cary Betz (TCEQ) presented the letter of TGPC support for this program that had previously been approved by the POE Subcommittee. B.L. Harris (TAR) proposed, Donna Long (TSSWCB) seconded, and all remaining TGPC members approved the TGPC support letter. Linda Ruiz McCall also indicated that curriculum on agricultural water education (focusing on evapotranspiration in the High Plains) will be available in 2011 which may be tied into TWDB's *Raising Your Water IQ* program for middle school children.

#### Review and Approve Revised Landowner's Guide to Plugging Abandoned Water Wells

Bruce Lesikar (TAES) presented a draft revision of the *Landowner's Guide to Plugging Abandoned Water Wells* (TCEQ publication RG-347, [http://www.tceq.state.tx.us/comm\\_exec/forms\\_pubs/pubs/rg/rg-347.html](http://www.tceq.state.tx.us/comm_exec/forms_pubs/pubs/rg/rg-347.html)) that had previously been approved by the POE Subcommittee. Leslie Savage (RRC) proposed, B.L. Harris (TAR) seconded, and all remaining TGPC members approved the draft revision.

## Set Future Meeting Date

The next TGPC quarterly meeting is scheduled for January 20, 2010 at 1:00 PM CDST.

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

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

Peggy Hunka (TCEQ) reported that 14 cases were reviewed by the Impact Evaluation Team (IET) during the past quarter and 84 letters were mailed to water well owners and users. Peggy Hunka indicated that most of these cases were in the Houston area. Cary Betz (TCEQ) noted that the IET had reviewed more cases this year than in any other year since the inception of the program in 2003. HB 3030 notification is used only for non-naturally occurring contaminants, and the majority of cases have been related to hydrocarbons.

### Groundwater Management Areas

Janie Hopkins (TWDB) reported that 86 Groundwater Availability Models (GAMs) have been or are being run specifically for the Groundwater Management Area (GMA) process, ranging from one (GMA 10 – Edwards BFZ) to 14 (GMA 8 – Trinity Aquifer) models per GMA. Of the 16 GMAs, four [GMAs 1 (Panhandle), 8, 9 (Hill Country), and 10] have submitted Desired Future Conditions (DFCs), but only GMA 8 has submitted all of its expected DFCs. All DFCs are due September 1, 2010. TWDB has produced some Managed Available Groundwater (MAG) values for two GMAs. The GMAs and TWDB staff are in many meetings. GMAs 1 and 9 have submitted petitions which have scheduled dates for hearings and presentations at TWDB Board meetings in January and February 2010.

### Regional Water Planning

Janie Hopkins (TWDB) reported that planning groups are meeting more frequently in order to finish their Initially Prepared Plans by March 1, 2010. Most regions have approved a few draft chapters of their plans and the main focus is on water management strategy development. Groundwater availability is an issue as always, but many regions are using the same groundwater supplies they used in the last plan since MAG models are generally not yet available.

### Groundwater Availability Modeling

This topic was covered during the discussion of Groundwater Management Areas.

## Nonpoint Source Pollution

Donna Long (TSSWCB) indicated that she would send appropriate sections of the draft *Texas Nonpoint Source Management Program* update to the Groundwater Research Subcommittee for review and feedback. The hope is to increase the priority of groundwater projects. Donna Long also requested NPS success stories for the draft *2009 Annual Report*.

Lauren Bilbe (TCEQ) noted that the TCEQ 2010 NPS Program Request For Grant Applications was open through December 18, 2009 (details can be found at <http://www.tceq.state.tx.us/compliance/monitoring/nps/grants/grant-rfga>). The emphasis of this U.S. EPA Clean Water Act Section 319(h) NPS grant funding is on impaired surface water bodies, but groundwater-related NPS projects will also be accepted. Projects involving groundwater and surface water interactions may be the best approach for acquiring funding for groundwater quality improvement projects. Funds from a Section 604(b) grant are currently supporting a project which is assessing the potential impact of pathogens on water wells in an alluvial aquifer on an impaired portion of the Colorado River downstream of Austin.

## National Groundwater Initiatives

Janie Hopkins (TWDB) reported that the National Groundwater Monitoring Program would like to set up a network that connects to various databases. This Program is being developed by 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>). TWDB hopes to qualify for one of the five pilot projects which will be selected from the Statements of Interest that are submitted to U.S. EPA by October 30, 2009.

B.L. Harris (TAR) reported that they participate in a multi-state (AZ, NM, and TX) international (U.S. and Mexico) Transboundary Aquifer Assessment Program. Ann Ardis (USGS) added that, in Texas, they are focusing on the highly-stressed Mesilla Aquifer and how it should be studied further.

## Drought Status

Cary Betz (TCEQ) referred the TGPC to the most recent TCEQ drought-affected Public Water Supply Systems and U.S. Drought Monitor maps – both the number of affected systems and the exceptional drought affected area in the state had substantially decreased since the last TGPC meeting. A map of the U.S. Seasonal Drought Outlook October 2009 – January 2010 was also provided which indicated that the drought was forecast to improve, and its impacts ease, over the next three months in south-central Texas. B.L. Harris (TAR) added that these maps do not necessarily reflect the total economic impact of the exceptional drought that we've been in for the last two years.

Gary Franklin (speaking as a Barton Springs/Edwards Aquifer Conservation District Director) added that they had been in a critical stage drought, and at their last meeting they had upgraded their drought status to alarm stage, but there was still a long way to go in order to completely recover from the drought.

## 6. ANNOUNCEMENTS

### Rules Update

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

- 2010-003-PET-NR: Reporting of Backflow Incidents, Service Agreements, and Backflow Prevention Program
- 2010-002-PET-NR: Reclaimed Water
- 2010-001-PET-NR: Sewage Sludge Financial Assurance
- 2009-055-007-PR: Memorandum of Understanding Between the TCEQ and the Rail Road Commission of Texas
- 2009-044-331-PR: SB 1387: Injection and Storage of Anthropogenic Carbon Dioxide
- 2009-043-321-CE: SB 2445: Boat Sewage Disposal
- 2009-041-290-PR: HB 3661: Fire Hydrants
- 2009-040-295-PR: HB 4231: Imported Water
- 2009-039-291-PR: HB 1295 / SB 2126: CCN Notice and Submetering
- 2009-038-290-PR: HB 2667: Plumbing Fixtures
- 2009-034-311-PR: Water Quality Management within the Barton Creek and Onion Creek Watersheds
- 2009-032-290-PR: SB 361: Emergency Operations
- 2009-031-297-PR: SB 1711: Water Rights Sediment Control Pond Exemption
- 2009-028-295-LS: Notice Changes for Certain Water Applications
- 2009-025-106-PR: Agriculture Permit by Rule (PBR) Revisions
- 2009-020-290-PR: 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
- 2009-005-309-PR: Bacteria Effluent Limitations and Monitoring in Domestic Water Quality Permits
- 2008-034-328-CE: Tire Processing and Land Reclamation
- 2008-032-115-EN: Portable Fuel Container Rule Repeal
- 2008-031-116-PR: Relocations and Changes of Location of Portable Facilities
- 2008-025-101-EN: Air Emissions Fees
- 2008-024-335-PR: RCRA Authorization for Parts of Federal Rule Clusters XV – XVII
- 2008-022-213-CE: Edwards Aquifer
- 2007-049-298-PR: HB 3 / SB 3: Environmental Flow Standards
- 2007-002-307-EN: 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](http://www.tceq.state.tx.us/nav/rules/propose_adopt.html).

Leslie Savage (RRC) reported that new rule proposals related to uranium exploratory wells are listed on their website (<http://www.rrc.state.tx.us/rules/index.php>), and rules related to carbon dioxide geologic storage (i.e., sequestration) will be presented to their Commissioners on November 24, 2009 with comments accepted for 30 days thereafter.

#### New Publications

Cary Betz (TCEQ) announced a recent TCEQ publication (bill stuffer), *Saving Water Saves Money* (GI-400), [http://www.tceq.state.tx.us/comm\\_exec/forms\\_pubs/pubs/gi/gi-400.html](http://www.tceq.state.tx.us/comm_exec/forms_pubs/pubs/gi/gi-400.html).

#### Upcoming Conferences

Cary Betz (TCEQ) referred TGPC members to the conferences listed in the “2009 – 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>.

B.L. Harris (TAR) announced the H2O 4 Texas Conference sponsored by Texas Senator Kip Averitt and Texas Representative Allan Ritter on November 16, 2009 in Fort Worth (<http://www.h2o4texas.org/>).

#### 7. PUBLIC COMMENT

Mary Musick (Musick Groundwater Consulting) noted that at the Ground Water Protection Council (GWPC) 2009 Annual Underground Injection Control (UIC) Conference on January 25 – 27, 2010 in Austin there will be two technical sessions on carbon dioxide sequestration, training on Class I injection wells, and sessions on Aquifer Storage and Recovery (ASR). Mary Musick also reported that U.S. EPA now classifies stormwater injection as a Class V well.

#### 8. ADJOURN

Cary Betz (TCEQ) adjourned the meeting at approximately 3:30 PM CDT.