

**TEXAS GROUNDWATER PROTECTION COMMITTEE
 RECORD OF MEETING
 Second Quarterly Meeting, Fiscal Year 2006**

Meeting Date: February 2, 2006
 Meeting No.: 67

Place: TCEQ Campus, Bldg F
 Room: 2210

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MEETING ATTENDANCE

Subcommittee Members

Mary Ambrose

Robert Mace
 Leslie Savage
 Ken Ofunrein
 Ambrose Charles
 Richard Egg

Barry Miller
 Bridget Scanlon
 David Gunn

Affiliation

Texas Commission on Environmental Quality (TCEQ)
 Texas Water Development Board (TWDB)
 Railroad Commission of Texas (RCT)
 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)
 Bureau of Economic Geology (BEG)
 Texas Department of Licensing & Regulation (TDLR)

Agency Staff

Patricia Bobeck
 Chris Chandler
 Paul Lewis
 John Williams
 Isaac Jackson
 April Hoh
 Abiy Berehe
 Al Cherepon
 Cary Betz
 Greg Rogers
 Joe Peters
 Kathy McCormack
 Leon Byrd
 Sean Ables
 Steve Musick

Affiliation

Program

DSHS	
TCEQ	Remediation Division
TCEQ	Remediation Division
TCEQ	Environmental Law Division
TCEQ	Intergovernmental Relations
TCEQ	Water Quality Division
TCEQ	Water Supply Division
TCEQ	Water Supply Division
TCEQ	Water Supply Division
TCEQ	Water Supply Division
TCEQ	Water Supply Division
TCEQ	Water Supply Division
TCEQ	Water Supply Division
TCEQ	Water Supply Division

Interested Parties

Jim O'Connor
 Tyson Broad
 Judy Parker

 Frank Heitmuller
 Mary Etter
 Julia Marsden
 Dan Yates
 Lynne Fahlquist
 Janie Hopkins

Affiliation

San Antonio Water System (SAWS)
 Sierra Club
 Clearwater Underground Water Conservation District (UWCD)
 United States Geological Survey (USGS)
 Lower Colorado River Authority (LCRA)
 League of Women Voters (LWV) – Texas
 Ground Water Protection Committee (GWPC)
 USGS
 TWDB

MEETING HANDOUTS

1. Agenda for Texas Groundwater Protection Committee meeting on February 2, 2006
2. Record for Texas Groundwater Protection Committee meeting on November 10, 2005
3. Legislative Report Subcommittee – Draft Subcommittee Charge
4. Letter to Texas Groundwater Protection Committee regarding preparation of materials for the *Joint Groundwater Monitoring and Contamination Report – 2005* (dated January 18, 2006)
5. Agricultural Chemicals Subcommittee – Report for meeting on February 2, 2006
6. TCEQ Current Rulemaking – list of pending proposals (1), proposals (4), pending adoptions (2), and adoptions (3)
7. Handout regarding Open Government (Open Meetings and Open Records) training available on the Texas Attorney General website (<http://www.oag.state.tx.us/>)
8. *Joint Groundwater Monitoring and Contamination Report – 2005* (TCEQ publication SFR-056) – draft Table of Contents
9. *Joint Groundwater Monitoring and Contamination Report – 2004* – Questionnaire
10. Handout regarding Texas Agricultural Experiment Station – Regulatory Programs, Program Description, and Status of Groundwater Monitoring Programs
11. 2006 Ground Water Protection Committee (GWPC) Annual Policy & Leadership Meeting Planning Document
12. Master Outline: GWPC Ground Water Report (2006 Edition)
13. *Activities of the Texas Groundwater Protection Committee – Report to the 79th Legislature* (TCEQ publication SFR-047/03)
14. Announcement for National Ground Water Association (NGWA) Ground Water Summit, April 22 – 27, 2006 (San Antonio)
15. Announcement for National Water Quality Monitoring Council (NWQMC) 5th National Monitoring Conference, May 7 – 11, 2006 (San Jose)
16. Announcement for Ground Water Protection Committee (GWPC) 2006 Policy Meeting, April 2 – 4, 2006 (Washington, D.C.)

MEETING RECORD OF FEBRUARY 2, 2006

1. CALL TO ORDER AND INTRODUCTIONS

Mary Ambrose, Designated Chair of the Texas Groundwater Protection Committee (TGPC), called the meeting to order at approximately 1:05 PM CST.

2. SUBCOMMITTEE REPORTS

Agricultural Chemicals

Steve Musick (TCEQ) reported that the Agricultural Chemicals Subcommittee held its FY 2006 second quarter meeting on February 2, 2006 at 10:40 a.m., chaired by Steve Musick.

Task Force Reports

Site Selection – Janie Hopkins (TWDB) reported for the Site Selection Task Force. No task force meetings were conducted since the last meeting and no changes have been made in sampling plans. Al Cherepon (TCEQ) reported that discussions were underway with Texas Agricultural Experiment Station (TAES) laboratory for analysis of samples for atrazine degradates.

The remaining task forces were inactive since the last meeting.

Presentation

The Subcommittee heard a presentation by Jeff Isler with the Texas Structural Pest Control Board (TSPCB). He described the authority, functions and programs of TSPCB. He provided examples and information on their licensing and inspections activities.

Business Items for Discussion and Possible Action

Minor clarifications and enhancements of the FY 2006 Pesticide Monitoring Plan were discussed and approved. The changes included the estimated number of samples to be collected by TWDB for TCEQ immunoassay analysis and clarifications regarding potential sampling and analyses for prometon and alachlor.

Information Exchange

Members heard a summary of recent State/Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Issues Research Evaluation Group (SFIREG)/Water Quality and Pesticide Disposal Meetings from TDA staff.

There were no updates on endangered species issues or approval of continuing education units for Atrazine Best Management Practices Presentation.

Announcements

Upcoming events of interest were identified.

The TGPC's Legal Advisor, John Williams (TCEQ), provided information on the new law that would require Committee and Subcommittee members to take open meetings and open records training.

There were no public comments. The meeting was adjourned at 11:47 a.m.

Data Management

Cary Betz (TCEQ) reported that the Data Management Subcommittee of the TGPC met on December 15, 2005. The subcommittee discussed the groundwater monitoring strategy currently under development, began a review of the monitoring program inventory conducted in the early stages of the strategy development, and laid out plans for a more aggressive schedule for future meetings. There was also discussion of the development of the "assessment phase" of the monitoring strategy, and the possible need for a facilitator (contract) to move the next phase forward.

Public Education and Outreach

Kathy McCormack (TCEQ) reported that the Public Outreach and Education Subcommittee met on January 31, 2006. Representatives in attendance were from TCEQ, TWDB, TSSWCB, TCE, and the Clearwater UWCD.

Agency representatives from TDA, TDLR, and the Texas Farm Bureau had schedule conflicts with this meeting, but agreed to participate in subsequent meetings. In addition, support may be obtained from the USDA Natural Resources Conservation Service, the Texas Rural Water Association, the Texas Water Resources Institute, and possibly other groups in the future.

The meeting's agenda items included:

- A review of TCE's Drinking Water Fact Sheets, their outreach efforts (e.g., fact sheets, presentation, well screening events, and well closure demonstrations) that are planned for this year, and how this outreach will implement the Committee's Public Outreach and Education portion of the *Texas Groundwater Protection Strategy* (TCEQ publication AS-188);
- In an effort to measure the success of the Subcommittee's abandoned well closure outreach, TDLR provided data on Well Plugging Reports from four counties prior to the Subcommittee meeting. During the meeting, TCE provided the dates of their well closure demonstrations in those four counties. However, since most of these demonstrations were in 2005, TDLR may not have entered all of this data into their system yet, so additional review will be required.

The Committee's Legal Advisor, John Williams (TCEQ), also attended this meeting and shared some background information and opinions on teleconferencing and videoconferencing options for future Subcommittee meetings. At this time, these meeting options are not available under the state's Open Meetings Act.

The Subcommittee's main goal for the remainder of this year is the development of a formal Educational Outreach Plan, complete with action items, responsible parties, and target dates. This Plan will be submitted to the Committee for review and approval and to other outside groups in order to request funding.

The next Public Outreach and Education Subcommittee meeting is tentatively scheduled for March 21, 2006.

Groundwater Research

Bridget Scanlon (BEG) reported that the Groundwater Research Subcommittee met on February 2, 2006 and discussed a number of research projects. Topics included:

- Areas where nitrogen concentrations in groundwater are high in the state and the opportunity to propose a joint research project for 319(h) funding between BEG, USGS, and Texas A&M University to investigate the Seymour aquifer and aquifers in the southern High Plains and southwest Gulf Coast;
- Characterization of aquifers for saline-rich injection from a desalination plant (this project is currently in the process of evaluating potential funding resources);
- Research projects to address drought issues in the future.

Nonpoint Source Task Force

Mary Ambrose (TCEQ) reported that the Nonpoint Source Task Force did not meet during the last quarter.

3. PRESENTATION

Major Springs of Texas

Frank Heitmuller (USGS) made a presentation to the Committee on the Major Springs of Texas. The database of historically documented springs and spring flow measurements in Texas provides information about springs and spring flow in Texas including spring names, identification numbers, location, and, if available, water source and use. This database does not include every spring in Texas, but is limited to an aggregation of selected digital and hard-copy data of the USGS, TWDB, and Capitol Environmental Services. For more information, see <http://pubs.usgs.gov/of/2003/ofr03-315/>.

4. BUSINESS DISCUSSION AND POSSIBLE ACTION

Texas Groundwater Protection Strategy – Discuss Strategy Implementation Issues

Barry Miller (TAGD) proposed, Mary Ambrose (TCEQ) seconded, and all remaining Committee members agreed to include a list of accomplishments in the next *Legislative Report* in order to document the progress in implementing the *Strategy*. Specific success stories include:

- Demonstrations conducted and educational materials produced by the Public Outreach and Education Subcommittee;
- Establishment of the Research Subcommittee;
- Information exchange between TWDB and the Committee regarding Regional Water Planning efforts;
- Improved inter-agency communication leading to the reduction of duplicate efforts.

Texas Groundwater Protection Committee Report to the 80th Legislature – 2007

Reactivation of Legislative Report Subcommittee

Barry Miller (TAGD) proposed, Bridget Scanlon (BEG) seconded, and all remaining Committee members agreed that the Legislative Report Subcommittee be reactivated.

Appointment of Members

Mary Ambrose (TCEQ) volunteered to chair the Legislative Report Subcommittee and Frank Fuller (TCEQ) will draft the charge to the Legislative Report Subcommittee. The following Committee members volunteered to be on the TGPC Legislative Report Subcommittee:

- Mary Ambrose (TCEQ)
- Robert Mace (TWDB)
- Leslie Savage (RCT)
- Richard Egg (TSSWCB)
- Barry Miller (TAGD)

In addition, David Gunn (TDLR) needed to check on his availability for participation on this Subcommittee.

Joint Groundwater Monitoring and Contamination Report – 2005

Format and Content Approval

Abiy Berehe (TCEQ) addressed the Committee and requested approval to use the same outline that was used in the last *Report*. Mary Ambrose (TCEQ) proposed and all remaining Committee members agreed to use the same outline.

Open Meeting and Open Records Training – Update

The Committee's Legal Advisor, John Williams (TCEQ), provided an update on Open Meeting and Open Records Training. Free training regarding Open Meetings and Open Records is available at the Texas Attorney General's website (<http://www.oag.state.tx.us/>). A free copy of the training videos on DVD can also be obtained by calling 1-800-252-8011. TGPC members and Subcommittee members are required to take the Open Meetings training, only.

At the end of the Open Meetings video there is a verification code and instructions for obtaining a certificate of completion. Copies of the Certificate of Course Completion will be kept on file by the Committee and should be sent to Cary Betz, TCEQ, Mail Code 147, P.O. Box 13087, Austin, TX 78711-3087 or emailed to Mary Ambrose, mambrose@tceq.state.tx.us.

Designated Committee and Subcommittee representatives serving as of January 1, 2006, have a full year, until January 1, 2007, to complete the required training. Representatives assigned after January 1, 2006, have 90 days from their first meeting to complete the required training.

Barry Miller (TAGD) proposed, David Gunn (TDLR) seconded, and all remaining Committee members agreed that Steve Musick (TCEQ) be designated as the Public Information Officer for the Committee. Open Records Training will be provided to the staff that will be keeping the records for the Committee.

Set Future Meeting Dates

The next Committee meeting is tentatively scheduled for April 20, 2006 at 1:00 PM CDT.

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

Water Quality Inventory (305(b)) Report – 2004 and 2006

Cary Betz (TCEQ) reported that the *Water Quality Inventory (305(b)) Report – 2004* will be posted shortly on TCEQ's website (<http://www.tceq.state.tx.us/compliance/monitoring/water/quality/data/04twqi/twqi04.html>). The surface water portion of the *2004 Report* is already available, but the groundwater portion is still in draft form waiting for Environmental Protection Agency (EPA) approval. Work is also underway for the preparation of the next *Report* – aquifer water quality information will be updated with TWDB data, TCEQ's public water supply databases will be incorporated, and inter-agency pesticide databases will be integrated into the *2006 Report*.

State Nonpoint Source Management Plan Development

Richard Egg (TSSWCB) reported that the *State Nonpoint Source Management Plan* has been approved by TCEQ and TSSWCB and transferred to the Governor for signature. It will then go to EPA for final approval.

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

Steve Musick (TCEQ) reported that there were three cases (40 letters) of groundwater contamination notices sent to private well owners reported in the first quarter of the 2006

fiscal year. There have been six cases that required notice so far in the second quarter. TCEQ has formalized its internal protocol for how it processes HB 3030 notification and will be meeting with each agency to discuss the procedures. TCEQ met with RCT on January 30, 2006. Steve Musick (TCEQ) is the TGPC contact at TCEQ for HB 3030 cases.

Regional Water Planning – Texas Water Development Board

Robert Mace (TWDB) reported that, as of January 5, 2006, 15 out of 16 Regional Water Planning Groups adopted and submitted regional water plans. Region L adopted their regional water plan late. TWDB staff is assembling the state regional water plan and hope to present it to their Board in August for approval. Information regarding the Regions that included water conservation measures as part of their regional water plan, and new technologies such as desalination, should be in the final report.

Groundwater Availability Modeling – Texas Water Development Board

Robert Mace (TWDB) reported that progress continues in this area, with Groundwater Availability Modeling contracts being proposed to their Board for several aquifers. Board approval will also be requested in February 2006 to solicit Statements of Qualification for the development of structure surfaces for several aquifers.

Mary Ambrose (TCEQ) requested an update on activities related to the drought. Robert Mace (TWDB) highlighted the Drought Preparedness Council (<http://www.txwin.net/dpc/>) which lists a Situation Report with general conditions around the state as well as the State of Texas Drought Preparedness Plan. Dr. Mace also noted that communities are starting to have problems with their water supplies. Richard Egg (TSSWCB) indicated that the drought is having a significant agricultural impact on the state.

6. ANNOUNCEMENTS

Rules Update

A summary of the TCEQ rule tracking log was distributed to members. There were 10 rules summarized in the tracking log that were of interest to the Committee. Questions concerning a specific rule should be directed to the Project Manager listed beside the rule.

Mary Ambrose (TCEQ) reported that the Committee will need to take up the Quadrennial Rules Review and Revisions to 31 Texas Administrative Code Chapter 601, Groundwater Contamination Report, this year.

Richard Egg (TSSWCB) reported that TSSWCB will be reviewing their rules this year.

Leslie Savage (RCT) reported that RCT proposes to amend §3.80 per HB 2161 relating to Commission Forms, Applications and Filing Requirements, to add three new Railroad Commission Oil and Gas Division Forms to Table 1. The new forms are:

- Form OW-1, entitled “Application for Authority to Conduct a Surface Inspection of Orphaned Oil or Gas Wells”;
- Form OW-2, entitled “Application for Certificate of Designation as the Operator of Orphaned Oil or Gas Wells”;
- Form OW-3, entitled “Application for Payment for Reactivating or Plugging an Orphaned Oil or Gas Well.”

Leslie Savage (RCT) also reported that RCT proposes to delete from Table 1 the entries for Forms P-1 and P-2, Producer’s Monthly Report of Oil Wells and Producer’s Monthly Report of Gas Wells, respectively. The comment period ends February 27, 2006.

Robert Mace (TWDB) reported that TWDB rules related to HB 1763 were completed in December 2005. Steve Musick (TCEQ) reported that there are small changes in TCEQ rules related to HB 1763 regarding TCEQ’s enforcement authority for Groundwater Conservation Districts (GCDs), informing language, and timeframes.

Ken Ofunrein (DSHS) reported that DSHS will no longer enforce Polychlorinated Biphenyl (PCB) rules on behalf of the EPA, and this will be reflected in the DSHS section of the *Joint Groundwater Monitoring and Contamination Report – 2005*.

Barry Miller (TAGD) reported that Groundwater Management Area (GMA) Councils are meeting around the state, and that the Southern Carrizo GMA Council is looking at identifying the future desired condition of aquifers.

Steve Musick (TCEQ) reported that TCEQ has released a File Report entitled, “Updated Evaluation for the Williamson, Burnet and Northern Travis Counties Priority Groundwater Management Study Area” (November 2005, http://www.tceq.state.tx.us/permitting/water_supply/groundwater/gw.html).

New Publications

There were no new publications since the last Committee meeting.

Upcoming Conferences

- TWDB Groundwater Resource Division Aquifers of the Gulf Coast of Texas, February 15 – 17, 2006, Corpus Christi, www.twdb.state.tx.us/twdbonline/conferences/GulfCoastOfTx.asp?item=102
- Ground Water Protection Committee (GWPC) 2006 Policy Meeting, April 2 – 4, 2006, Washington, D.C., <http://www.gwpc.org/>
- National Ground Water Association (NGWA) Ground Water Summit, April 22 – 27, 2006, San Antonio,

<https://info.ngwa.org/servicecenter/Meetings/MeetingDetail.cfm?meetingid=633&feecatuid=2009&datecatuid=1031>

- National Water Quality Monitoring Council (NWQMC) 5th National Monitoring Conference, May 7 – 11, 2006, San Jose, <http://www.tetrattech.com/nwqmc06/index.cfm>

7. PUBLIC COMMENT

Dan Yates, Communications Director with the Ground Water Protection Council (<http://www.gwpc.org/>), provided a brief background on this national organization of state agencies involved with groundwater protection or underground injection control. Mr. Yates announced their next meeting in Washington D.C., solicited feedback from the Committee on their policies, talked about their upcoming Ground Water Report, and made an announcement about National Ground Water Awareness Week, March 13 – 17, 2006.

8. ADJOURN

The next Committee meeting is tentatively scheduled for April 20, 2006.

Mary Ambrose (TCEQ) adjourned the meeting at approximately 3:00 PM.