TEXAS GROUNDWATER PROTECTION COMMITTEE **RECORD OF MEETING**

First Quarterly Meeting, Fiscal Year 2011

Meeting Date: October 20, 2010 Meeting No.: 87 Place: TCEQ Campus, Bldg F Room: 2210

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MEETING ATTENDANCE

Committee Members Affiliation

Cary Betz Texas Commission on Environmental Quality

(TCEO)

Janie Hopkins Texas Water Development Board (TWDB) Ken Ofunrein Department of State Health Services (DSHS) Richard Eyster Texas Department of Agriculture (TDA)

Kevin Wagner Texas AgriLife Research (TAR)

David Gunn Texas Department of Licensing and Regulation

Agency Staff Program **Affiliation** Abiy Berehe TCEQ

Water Supply Division Alan Cherepon TCEQ Water Supply Division Kathy Humphreys Environmental Law Division TCEQ

Peggy Hunka TCEQ Water Supply Division Paul Lewis TCEQ Remediation Division Kathy McCormack TCEQ Water Supply Division Kelly Mills TCEQ Water Supply Division Joe Peters Water Supply Division TCEQ

John Williams TCEQ **Environmental Law Division** Leslie Smith TDA

David Villarreal TDA John Meyer **TWDB**

Interested Parties Affiliation

Gary Franklin Barton Springs Edwards Aquifer Conservation

District / Lower Colorado River Authority (LCRA)

Naila Ahmed LCRA

MEETING HANDOUTS

- 1. Agenda for Texas Groundwater Protection Committee meeting on October 20, 2010
- 2. Record for Texas Groundwater Protection Committee meeting on July 14, 2010
- 3. Summary of Texas Groundwater Protection Committee (TGPC) Public Outreach and Education (POE) Subcommittee Meeting on September 15, 2010
- 4. Summary of Texas Groundwater Protection Committee (TGPC) Nonpoint Source (NPS) Task Force (TF) Meeting on September 17, 2010
- 5. J. Hopkins' feedback on TGPC Data Management Subcommittee Charge
- 6. Draft TGPC Data Management Subcommittee Charge
- 7. Draft *Activities and Recommendations of the Texas Groundwater Protection Committee Report to the 82nd Legislature* (TGPC members only)
- 8. S. Kalaswad (TWDB) feedback on Draft *Activities and Recommendations of the Texas Groundwater Protection Committee Report to the 82nd Legislature* (TGPC members only)
- 9. B. Cutright (University of Texas Bureau of Economic Geology) feedback on Draft Activities and Recommendations of the Texas Groundwater Protection Committee Report to the 82nd Legislature (TGPC members only)
- 10. Quadrennial Review & Readoption of 31 TAC Chapter 601, Groundwater Contamination Report
- 11. Revised Rule Review Plan for 31 TAC Chapter 601, Groundwater Contamination Report
- 12. Drought 2010 Public Water Supply Systems Affected as of October 1, 2010; U.S. Drought Monitor, Texas as of October 12, 2010; U.S. Seasonal Drought Outlook October December 2010
- 13. TCEQ Rules of Interest to TGPC 10/19/2010
- 14. Texas On-Site Wastewater Treatment Research Council (TOWTRC) Annual Conference flyer
- 15. 10th Annual Bell County Water Symposium flyer
- 16. 2010 Water-related Conferences in Texas, October 2010
- 17. Agricultural Waste Pesticide Collection Events Fiscal Year 2011 schedule

The following two publications were also on display in the back of the room:

- Hydrogeologic Atlas of the Hill Country Trinity Aquifer (Blanco, Hays, and Travis Counties, Central Texas), http://repositories.lib.utexas.edu/handle/2152/8977; and,
- *Joint Groundwater Monitoring and Contamination Report* 2009, http://www.tceq.state.tx.us/publications/sfr/056_09_index.html

MEETING RECORD OF OCTOBER 20, 2010

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 CDST. TGPC members then introduced themselves. Representatives from the Railroad Commission of Texas (RRC), the Texas Soil and Water conservation Board (TSSWCB), the Texas Alliance of Groundwater Districts (TAGD), and the University of Texas Bureau of Economic Geology (UTBEG) were not present at the meeting.

2. SUBCOMMITTEE REPORTS

Agricultural Chemicals

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

For the Site Selection Task Force, Alan Cherepon (TCEQ) introduced a draft 2011 monitoring plan for discussion at the next Agricultural Chemicals Subcommittee meeting.

For the Pesticide Management Plan Task Force, Alan Cherepon (TCEQ) reported that, for the U.S. Environmental Protection Agency's (EPA's) Pesticides Of INterest Tracking System (POINTS), the last 22 of U.S. EPA's list of 57 pesticides will need to be assessed by the end of the calendar year. Alan Cherepon did not expect any difficulties with meeting this deadline. David Villarreal (TDA) reported that he was working on gathering the environmental characteristics of the 22 pesticides.

Alan Cherepon (TCEQ) gave a presentation on the past year's pesticide monitoring activities. There were four categories of monitoring that took place:

- 1. Panhandle Monitoring;
- 2. Urban Monitoring in the Dallas/Fort Worth Area;
- 3. Cooperative Monitoring TWDB/TCEQ; and,
- 4. Golf Course Monitoring.

Summary of 2010 Monitoring Results:

- 983 Immunoassay Analyses (IA) for up to five pesticides from 260 wells and two springs;
- 31 Lab Analyses for four different methods;
- Only a few detections of pesticides via IA well below the Maximum Contaminant Level (MCL); and,
- Cooperative monitoring revealed only trace amounts of Atrazine via IA in a small number of wells.

Data Management

Cary Betz (TCEQ) reported that the Data Management Subcommittee had not met since the last TGPC meeting and deferred further discussion of the Subcommittee's Charge until the Business portion of the meeting.

Ken Ofunrein (DSHS) arrived at approximately 1:15 PM CDST and was present for the remainder of the meeting.

Public Outreach and Education

Kathy McCormack (TCEQ) reported that the TGPC POE Subcommittee last met on September 15, 2010 and six 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:

- Texas AgriLife Extension Service (TAES) Water Well Screening Events
 - Two since the previous TGPC POE Subcommittee meeting (124 samples total, 48 of which were outside of the TCEQ/TAES POE Contract)
 - o Two planned through October 2010
- TAES Abandoned Water Well Closures
 - o One since the previous TGPC POE Subcommittee meeting (34 attendees)
 - o None planned at this time
- TGPC Booth
 - o Two since the previous TGPC POE Subcommittee meeting (99 estimated attendees)
 - o One planned through December 2010

The Google Analytics report on TGPC website activity statistics for June 1, 2010 through September 9, 2010 was reviewed. The seven monitored TGPC webpages had an average of 41 unique visitors per day, and visitation peaked with the quarterly GovDelivery email announcing the next TGPC meeting (17% of the 3,266 subscribers clicked through the link in the email to the TGPC homepage). The majority of page views and keyword searches were on water well issues.

A Frequently Asked Question (FAQ) titled "Have Radionuclides Been Detected in Texas Groundwater?" was approved with the changes discussed at the meeting and it will be posted on the TGPC website (http://www.tgpc.state.tx.us/FAQs.htm) as soon as the final draft is ready.

Various topics 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) were discussed:

• Texas Alliance of Groundwater Districts (TAGD) websites

- o Karen Sears (Texas AgriLife Research), an experienced grant writer at the Blackland Research and Extension Center, offered to assist TAGD members in obtaining this type of funding for website development.
- TGPC Plugging Abandoned Water Wells Content for Texas Department of Agriculture (TDA) "Shoot the Bull" Radio Program
 - O A 90-second episode regarding abandoned water wells aired on 16 radio stations in the Texas State Network (TSN, http://www.tsnradio.com/) on August 26, 2010. The "Shoot the Bull" radio program has a weekly adult audience of 56,000. Additional TGPC groundwater-related content for the "Shoot the Bull" radio program is planned, including the State Water Plan and National Groundwater Awareness Week.
- Draft Groundwater Protection Survey
 - A draft follow-up survey (https://www.surveymonkey.com/s/ZGZQ68F) was reviewed. In May 2010, TAGD was notified of the availability of TGPC FAQs and this survey is designed to obtain information about the use of this material in TAGD newsletters and websites.

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

- Oil and Gas Waste Disposal Wells and Water Quality:
 - What is an Underground Injection Well?
 - o How Are Oil and Gas Waste Disposal Wells Regulated?
 - o How Are Oil and Gas Waste Disposal Wells Regulated to Protect Water Quality?
 - o What Are the Construction Standards for an Oil and Gas Waste Disposal Well?
 - o What Are the Permitting Processes for an Oil and Gas Waste Disposal Well?
 - How Are Oil and Gas Waste Disposal Wells Monitored to Ensure That They Are Not Leaking?
 - Who Has Jurisdiction Over the Clean-up of Oil and Gas Waste Disposal Well Contamination?
- What are the Statewide Water Well Databases?

The next POE Subcommittee meeting is scheduled for December 1, 2010.

Groundwater Research

Kevin Wagner (TAR) reported that the Groundwater Research Subcommittee met that morning and they discussed sources of funding and current calls for proposals (e.g., from TSSWDB, TWDB, and the U.S. Bureau of Reclamation WaterSmart program) and progress on white papers.

Legislative Report

Cary Betz (TCEQ) reported that the Legislative Report Subcommittee had not met since the last TGPC meeting and deferred further discussion until the Business portion of the meeting.

Nonpoint Source Task Force

Cary Betz (TCEQ) reported that the TGPC NPS Task Force last met on September 17, 2010 and six state agencies and organizations were represented. A summary was presented of the Fiscal Year 2010 Fourth Quarter meeting, held on June 25, 2010, along with an overview of some of the statewide programs related to the monitoring, assessment, and mitigation planning for NPS groundwater pollution in Texas. Discussion regarding available information followed.

TCEQ and TSSWCB Co-Chairs gave an overview of the aquifer vulnerability assessment conducted by Texas in the late 1980s. The NPS Task Force discussed the need to reassess aquifer vulnerability in Texas. NPS Task Force members will provide feedback regarding the following: areas where the historic "Depth to water; annual Recharge; Aquifer media; Soil media; Topography; vadose zone Impact; hydraulic Conductivity" (DRASTIC) assessments in Texas could have been improved, potential data users and uses for a new aquifer vulnerability assessment, and data sources and components that could be included. A summary of input from NPS Task Force members regarding reassessing aquifer vulnerability in Texas will be provided at the next NPS Task Force meeting.

It was announced that *NPS Annual Report* articles are still welcomed until the end of September 2010.

The next NPS Task Force meeting is scheduled for December 1, 2010.

3. PRESENTATION

TWDB Brackish Resource Aquifer Characterization System: Project Status and Methodology

John Meyer (TWDB) gave a summary of TWDB Innovative Water Technologies' Brackish Resource Aquifer Characterization Study (BRACS):

- The 2003 Brackish Groundwater Manual indicated that the estimated total volume of brackish groundwater in Texas is over 2.7 billion acre-feet;
- Forty four water treatment plants in Texas use Reverse Osmosis to treat brackish water;
- The Texas Innovative Water 2010 Seminar held on October 11 12, 2010 in San Antonio showed a tremendous interest in brackish groundwater resources;
- The TWDB, through BRACS and external contracts, is well-poised to provide the information that Texas needs to continue development of this resource;
- August 31, 2011 is the deadline for the Pecos Valley Aquifer pilot study;
- TWDB plans to look at one other area to further define the techniques for interpreting resistivity and spontaneous potential tools for Total Dissolved Solids; and,
- Each aquifer is different and techniques of analysis will need to fit the data that is available.

4. BUSINESS DISCUSSION AND POSSIBLE ACTION

Discuss Data Management Subcommittee Charge and Staff Assignments

Janie Hopkins (TWDB) reviewed her proposed changes to the Data Management Subcommittee Charge, including a shift from statewide adherence to the *Texas Ground-Water Data Dictionary* (http://www.tgpc.state.tx.us/gi-272.pdf). This would encourage each agency to provide a link to their own specific Data Dictionaries (containing basic metadata essentials and accurate latitude and longitude data), and to provide the data in various formats via each agency's website. Cary Betz (TCEQ) indicated a need for TCEQ review of these proposed changes, and also felt that the TGPC should consider shifting the focus of the Data Management Subcommittee to better align with recent national groundwater initiatives (e.g., the data portal for the National Groundwater Monitoring Network). The update of the Data Management Subcommittee Charge will be discussed again at the next TGPC meeting.

Activities and Recommendations of the Texas Groundwater Protection Committee – Report to the 82nd Legislature – Discussion of Final Report Text, Approval of Final Report, and Discussion of Timetable for Completion of Final Report and Delivery to the Legislature

After extensive discussion of the final draft of the *Activities and Recommendations of the Texas Groundwater Protection Committee – Report to the 82nd Legislature* ("Legislative Report"):

- Richard Eyster (TDA) proposed, David Gunn (TDLR) seconded, and all remaining TGPC members approved including Sanjeev Kalaswad's (TWDB) amended text for the "Continued Support of Brackish Groundwater Desalination and Source Characterization Studies" Recommendation in the Legislative Report;
- David Gunn (TDLR) proposed, Richard Eyster (TDA) seconded, and all remaining TGPC members approved the "Continued Support and Update of the TEX*A*Syst Program" Recommendation in the *Legislative Report* with the changes discussed at the meeting; and,
- David Gunn (TDLR) proposed, Richard Eyster (TDA) seconded, and all remaining TGPC members approved:
 - The final draft of the *Legislative Report* with the changes discussed at the meeting (including Bruce Cutright's (UTBEG) amended text for the "Characterize Groundwater Surface Water Interactions" Recommendation);
 - o Submission of the final draft of the *Legislative Report* to TGPC agency and organization management for approval; and,
 - TCEQ staff to make any non-substantive changes as required by the TCEQ Publications department.

The target date for delivery of the final draft of the *Legislative Report* to TGPC agency and organization management is October 29, 2010.

Quadrennial Rules Review of 31 TAC Chapter 601, Groundwater Contamination Report – Discuss and Approve Proposal for Adoption and Publication

John Williams (TCEQ) reviewed the TGPC Rules as per Title 31 Texas Administrative Code (TAC) Chapter 601, Groundwater Contamination Report. The proposed Rules were published in the July 30, 2010 issue of the *Texas Register* and no comments were received during the 30-day public comment period.

Kevin Wagner (TAR) proposed, David Gunn (TDLR) seconded, and all remaining TGPC members approved:

- Readoption of the TGPC Rules; and,
- TCEQ staff to make any non-substantive changes as required for publication in the *Texas Register*.

Revised Quadrennial Rule Review Plan – Discuss and Approve Proposal for Submission to the *Texas Register*

John Williams (TCEQ) reviewed the TGPC Revised Quadrennial Rule Review Plan as per Title 31 TAC Chapter 601, Groundwater Contamination Report. The TGPC Quadrennial Revised Rule Review Plan was published in the July 30, 2010 issue of the *Texas Register* and no comments were received during the 30-day public comment period.

Kevin Wagner (TAR) proposed, Richard Eyster (TAR) seconded, and all remaining TGPC members approved:

- The TGPC Quadrennial Revised Rule Review Plan; and,
- TCEQ staff to make any non-substantive changes as required for publication in the *Texas Register*.

John Williams (TCEQ), who was retiring at the end of October 2010, introduced Kathy Humphreys (TCEQ) as the TGPC's new Legal Counsel. Cary Betz (TCEQ) acknowledged John Williams' able support of the TGPC over the last eight years.

Cary Betz (TCEQ) also recognized Bruce Lesikar (formerly with TAES), a long-time "Friend of the Committee" and Co-Chair of the TGPC POE Subcommittee, who has moved on to a new company.

Set Future Meeting Date

The next TGPC quarterly meeting is scheduled for January 19, 2011 at 1:00 PM CDT.

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

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

Peggy Hunka (TCEQ) reported that the Impact Evaluation Team (IET) reviewed 10 contamination cases and mailed out 355 letters (288 letters for one case) to water well owners and users in the last quarter.

David Gunn (TDLR) left at approximately 3:08 PM CDST and was absent for the remainder of the meeting.

Groundwater Management Areas

Janie Hopkins (TWDB) reported that, in response to joint planning in the Groundwater Management Areas (GMAs), TWDB received 75 Desired Future Conditions (DFCs) of the aquifers in Texas by the September 1, 2010 deadline. TWDB will be using numerical flow models to develop Managed Available Groundwater (MAG) numerical values for 41 of the DFCs and analytical approaches for 33 of the DFCs, while one DFC has a legislatively-mandated MAG amount (i.e., the Edwards (Balcones Fault Zone) Aquifer within the Edwards Aquifer Authority).

Regional Water Planning

Janie Hopkins (TWDB) reported that, based on the revised regional water plans received earlier this year, TWDB is preparing a "mini" state water plan for the upcoming Legislative session. This mini-plan will not discuss brackish groundwater desalination or rainwater harvesting initiatives.

Groundwater Availability Modeling

Janie Hopkins (TWDB) reported that TWDB's Groundwater Availability Modeling (GAM) group has awarded \$13,000,000 in contracts since 2001, and that since January 1, 2009, TWDB's GAM group has completed 42 reports for Groundwater Conservation District (GCD) management plans and 55 reports and tasks for GMAs.

Since the beginning of the program, TWDB's GAM group has completed 386 requests for model runs including 107 requests from GCDs, 118 requests from GMAs, and two requests from the Legislature. TWDB's GAM group also completed 133 other requests prior to categorizing the specific requester.

TWDB's GAM group has modeled 43 aquifers (or portions of aquifers) out of the 70 aquifer areas which have been designated in the state; from these, they have provided 26 MAG numerical values. TWDB's Groundwater Technical Assistance group is determining MAGs for unmodeled areas using analytical approaches.

Nonpoint Source Pollution

There was no discussion of this topic at the meeting.

National Groundwater Initiatives

Cary Betz (TCEQ) reported that he attended the recent Ground Water Protection Council (GWPC, http://www.gwpc.org/home/GWPC_Home.dwt) 2010 Annual Forum in Pittsburgh, PA, and issues discussed at the meeting included stormwater and Aquifer Storage and Recovery (ASR). These will also be hot topics at the GWPC Underground Injection Control (UIC) Conference in January 2011 in Austin and the GWPC Annual Spring Meeting at the National Ground Water Association (NGWA, http://www.ngwa.org/) Annual Ground Water Summit in May 2011 in Baltimore, MD.

Janie Hopkins (TWDB) reported that the U.S. Department of the Interior's Advisory Committee on Water Information (ACWI, http://acwi.gov/) Subcommittee on Groundwater (http://acwi.gov/sogw/index.html) continues to work on the five pilot projects for the National Groundwater Monitoring Network and Monitoring Program with the selection of specific wells to monitor for level and quality being the primary focus right now. A working meeting will take place in Austin by mid-November 2010, and the completion deadline for the pilot projects is December 31, 2010.

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 meeting, the area affected by severe drought conditions has decreased from 4 to 1 % (impacting five counties in east Texas) and this is forecast to persist through December 2010.

6. ANNOUNCEMENTS

Rules Update

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

- 2011-003-PET-NR: Inquiry Request on Joint Groundwater Management Planning in Groundwater Management Area 1
- 2010-058-PET-NR: TPWD Petition Requesting Modifications of Regulations Regarding Discharge of Pesticides
- 2010-055-311-OW: Discharge of Pesticides into, Over or Near the Highland Lakes and Areas Over the Edwards Aquifer
- 2009-055-007-PR: Memorandum of Understanding Between the TCEQ and the Railroad Commission of Texas
- 2009-044-331-PR: SB 1387: Injection / 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

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

Kevin Wagner (TAR) left at approximately 3:23 PM CDST and was absent for the remainder of the meeting.

New Publications

Cary Betz (TCEQ) announced four TCEQ publications:

- *Conserve Water. Every Drop Counts.* (bumper sticker), M-036 (revised), http://www.tceq.state.tx.us/comm_exec/forms_pubs/pubs/m/m-036.html;
- *Emergency and Temporary Use of Wells for Public Water Supplies*, RG-485 (new), http://www.tceq.state.tx.us/comm_exec/forms_pubs/pubs/rg/rg-485.html;
- *Joint Groundwater Monitoring and Contamination Report* 2009, SFR-056/09 (new), http://www.tceq.state.tx.us/publications/sfr/056_09 index.html; and,
- Preserving and Improving Water Quality: Programs of the TCEQ for Managing the Quality of Surface Waters, GI-351 (revised), http://www.tceq.state.tx.us/comm_exec/forms_pubs/pubs/gi/gi-351.html

Cary Betz (TCEQ) also referenced the new, online *Texas Water Journal*, http://journals.tdl.org/twj/.

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 under "Additional Resources". Cary Betz also referenced the flyers for the Texas On-Site Wastewater Treatment Research Council (TOWTRC) Annual Conference (http://www.towtrc.state.tx.us/), the Clearwater Underground Water Conservation District (UWCD) 10th Annual Bell County Water Symposium (http://www.tceq.state.tx.us/p2/AgWaste/schedule.html).

Janie Hopkins (TWDB) announced that their annual Groundwater 101 Workshop would be held on November 10, 2010 in Austin.

7. PUBLIC COMMENT

There was no public comment.

8. ADJOURN

Cary Betz (TCEQ) adjourned the meeting at approximately 3:28 PM CDST.