

AGRICULTURAL CHEMICALS SUBCOMMITTEE MEETING RECORD

TIME AND DATE:

10:30 AM, January 19, 2011

LOCATION:

TCEQ, Park 35, Building F, Room 2210, Austin, Texas

PURPOSE OF MEETING:

The FY11 Second Quarter Meeting of the Agricultural Chemicals Subcommittee of the Texas Groundwater Protection Committee

ATTENDEES:

AGENCIES

Texas AgriLife Research [TAR]
Texas Commission on Environmental Quality [TCEQ]
Texas Department of Agriculture [TDA]
Texas State Soil and Water Conservation Board [TSSWCB]
Texas Water Development Board [TWDB]
Texas Alliance of Groundwater Districts [TAGD]

REPRESENTATIVES

Joseph L. Peters	Chair, Member, TCEQ, Austin
Richard Eyster	Member, TDA, Austin
Kevin Wagner	Member, TAR, College Station
Donna Long	Member, TSSWCB, Temple
Janie Hopkins	Member, TWDB, Austin
David Van Dresar	Member, TAGD, La Grange

AGENCY STAFF

Alan Cherepon	TCEQ, Austin
Scott Underwood	TCEQ, Austin
Kathy McCormack	TCEQ, Austin
Steve Niemeyer	TCEQ, Austin
Robin Lynch	TCEQ, Austin
Allen Berthold	TAR, College Station
Leslie Smith	TDA, Austin

INTERESTED PARTIES

Denise Gentsch	Syngenta, Austin
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MEETING SUMMARY:

I. Opening Remarks

The Chairman of the Agricultural Chemicals Subcommittee, Dr. Joseph Peters (TCEQ), called the meeting to order. The TAES replacement for Dr. Bruce Lesikar has not yet been named by TAES. Dr. Peters welcomed everyone to the meeting and had the Subcommittee members introduce themselves. The meeting proceeded to the Task Force Reports.

II Task Force Reports

Site Selection Task Force: Ms. Hopkins, the Task Force Chair came in a few minutes late; therefore Mr. Alan Cherepon (TCEQ) commented that he would be giving a presentation on TCEQ's proposed Pesticide Groundwater Monitoring Plan for 2011 later in the agenda. When Ms. Hopkins arrived, she said the TWDB would continue with the Cooperative Monitoring program with the TCEQ. Sampling would begin around March, and would continue in the Edwards-Trinity Plateau and some minor aquifers.

Education Task Force: The Education Task Force Chair has been vacated by Dr. Bruce Lesikar (TAES) and his replacement has not yet been named. There was no one present to give the Education Task Force Report.

PMP Task Force: Mr. Cherepon (TCEQ), a co-chair of this Task Force, reported that he, with assistance from TDA, provide assessments on 17 of the final 22 pesticides from the original list of 57 in the **Pesticides Of INTERest System (POINTS)** database. None of the pesticides were deemed to be of concern based on their characteristics, low use, absence of benchmark levels, low toxicity to humans (although some may be toxic to certain animal/plant life), and lack of detects or monitoring data. The five remaining pesticides, copper pesticides, dimethenamid, MSMA/arsenical pesticides, pendimethalin, and phenoxy herbicides, will be assessed in 2011. Mr. Cherepon also mentioned Texas was far ahead of the other Region 6 states in assessment of the initial 57 pesticides. California, and to a lesser extent New York, had also assessed up to an additional 50 pesticides beyond the initial 57 required. Mr. Cherepon said he had copies of the spreadsheet that include the characteristics, use, detection, and toxicity data used in the assessments, should anyone want a copy.

The other task forces were inactive and had nothing to report.

III. Pesticides in Groundwater: The Texas Portion of the Border with Mexico

Mr. Stephen Niemeyer, TCEQ Border Affairs Manager and Colonias Coordinator of the Intergovernmental Relations Division, provided a Power Point presentation on TCEQ's groundwater pesticide issues along the Texas portion of the border with Mexico. Major areas addressed included:

- Maps defining the areas and aquifers included in the presentation
- General pesticide issues along the border (legacy versus new pesticides)
- Pesticide Case Studies
- Analytical issues, summary, and recommendations

In the border area (defined as the area within 100 km of the Texas portion of the border with Mexico) the primary areas of concern include a need for: hydrogeologic information on trans-boundary aquifers (18 of them) that cross beneath and are connected with the Rio Grande/Rio Bravo; information on pesticides brought across from Mexico in small amounts and applied in Texas; information on old irrigation drainage wells that may be serving as a conduit for pesticides to pass into groundwater; EPA to set more Maximum Contaminant Levels (MCLs) and related action levels for pesticides in water; and in general more pesticide monitoring studies. There is no trans-boundary environmental agreement between the US and Mexico.

Some interesting information that came out of the presentation includes the following:

- A published report by Mr. Ben Knape (who is still with TCEQ) on Underground Injection Operations in Texas (Texas Department of Water Resources, 1984), that includes information on the irrigation drainage wells in Hidalgo County.
- There were about 600 aerial applicators in the region at one time. These are potential sources of pesticide contamination.
- There exist several case/site studies, but nothing really on groundwater.
- There are no MCLs for most pesticides, and there are data gaps related to pesticides.
- There is not much aquifer use in the border region.
- There is a need for more studies/data on groundwater in the border area. There is no real control of private wells in the area and agencies need to work together more on this, including groundwater districts.
- Arsenic found in the El Paso area is possibly due to cotton defoliant.
- Pesticides are not a major concern in the border area; sewage issues are more of a concern.

IV. Business Items

Proposed 2011 Groundwater Pesticide Monitoring Plan

Mr. Cherepon provided a presentation on TCEQ's proposed groundwater pesticide monitoring plan for 2011. The plan provides for:

- Continued Cooperative monitoring with the TWDB
- Monitoring in the Lower Rio Grande Valley and the Corpus Christi area
- Monitoring sites associated with pesticide manufacturing; bulk storage and transfer facilities; retail facilities; cotton gins; and food processing facilities
- On-going monitoring in the Panhandle
- An endeavor to analyze for those pesticides scheduled for re-review or from the SFIREG list

The number and types of analyses will be limited by the budget and to getting the most pesticides for which immunoassay kits are available. With these limitations in mind the goal is to analyze for the greatest number of pesticides on the SFIREG list of 57, of pesticides

scheduled for re-review, and of those on the EPA Endocrine Disruptor Screening Program (EDSP) list. These include analyses for atrazine, chlorpyrifos, and diazinon by immunoassay, and EPA laboratory method 525.2 (expanded) and method 622 analyses to cover the greatest number of pesticides from the lists. The tasks listed in the monitoring plan are probably more than the grant budget will allow, but will be implemented as much as possible in the prioritized order given in the plan.

Several suggestions were made on locating shallow wells to sample, including”

- Obtaining a better well monitoring coverage by using records submitted by well drillers and not just the TWDB WIID
- Get help from the TCEQ Region 15 Office in Harlingen
- Locate wells near old aerial applicator sites as potential sources of contamination
- Research the location of shallow monitoring wells associated with other programs, such as leaking underground storage tanks
- USGS National Water-Quality Assessment program (NAWQA) data/well locations

There were a couple of questions raised following the presentation. Someone asked why 2,4-D was on the EPA list of endocrine disruptors, as they were not aware of any studies linking this pesticide to the issue. One TDA representative thought there was no actual link, but since this is one of the most used pesticides, the EPA continues to study it for any potential negative results, including endocrine disruption. Also, someone asked why diazinon was still being monitored, since it has been removed from most uses a few years ago. The answer was that a re-assessment is being conducted by EPA, and TCEQ is continuing to monitor for it as trace amounts of it continue to show up in immunoassay screenings, and that the continued monitoring is helping to provide data to support the conclusion that it is not an issue of concern in Texas.

The Chair asked the Subcommittee to vote on whether to accept or reject the plan as proposed. The motion was made by Mr. Richard Eyster (TDA), and seconded by Mr. David Van Dresar (TAGD). The Subcommittee voted unanimously to accept the plan as proposed. Mr. Cherepon reiterated how TCEQ would attempt to do as many of the tasks as possible, but how much is actually done will depend on how far the budget will allow.

V. Information Exchange – Status Updates

Someone asked when the next NonPoint Source (NPS) Subcommittee meeting will be, and Ms. Donna Long (TSSWCB) replied it would be in March. Another question was raised concerning when TCEQ’s email address changes would take place, to which the Chair said that the change had already taken place, but that the old ones would continue to work for the foreseeable future. Mr. Cherepon had several items of interest to report to the subcommittee, including:

- EPA’s Endocrine Disruptors Screening Program was published in the Federal Register, and includes numerous pesticides.
- Highlights of the EPA/State/Tribe Region 6 Pesticide meeting in October
- Highlights of TPDES Stakeholder Meeting of 1/12/11

Two tables of the pesticides included as endocrine disruptors, and other details, can be found in the Federal Register, Volume 74, Number 71 of 4/15/09. Mr. Cherepon noted that

several are also included in the SFIREG List of 57 pesticides EPA has the states assessing in the **POINTS** database. Also summarized were some items from the EPA/States/Tribes Region 6 pesticide meeting in October. EPA is trying to streamline the multi-year grant process by allowing that some of the required documents be changed only every other year, and by changing the State and Tribal Assistance Grants (STAG) funding formula such that it is no longer based on the DRASTIC model but instead emphasizing other items such as pesticide use. Also, a recent issue in Louisiana is a suit of that state by a legal group in San Antonio to protect Hispanic farm workers from pesticides. The issue being pursued is to require states to provide all rules and other agency-related access in Spanish. This could have serious implications to Texas, should the case be won, requiring a substantial amount of effort and cost. Louisiana initially countered that EPA does not even provide this dual language requirement, so why should the states be required to do so. The states should continue to watch how this case develops.

The TCEQ Texas Pollution Discharge Elimination System's (TPDES) draft general Pesticide Permit stakeholder meeting was held on 1/12/11. The highlights included the following:

- The public comment period on the permit development officially ended 1/18/11.
- Revisions would be made available around mid-February.
- The draft permit will be scheduled for approval at the 3/9/11 TCEQ Commissioner's Agenda (this has been changed since the ACS meeting to 4/6/11).
- EPA has yet to deliver their permit, and may need to get a time extension.
- The new Congress is trying to pass a bill that would re-emphasize that FIFRA and not the Clean Water Act addresses labeled pesticide applications, and therefore, this new permit is not needed.
- The Texas permit includes the following:
 - NonPoint Sources of pesticides are exempt from the permit.
 - Isolated water bodies (playas, stock ponds) are exempt.
 - Texas thresholds differ from EPA thresholds.
 - EPA has approved the Texas draft permit should Texas need to go ahead with implementation.
 - Level 3 permits with fewer requirements are provided for homeowner and other small applications.

The question/comment period of the TPDES draft general Pesticide Permit stakeholder meeting included several items, including:

- There was some opinion that several terms used in the proposed permit require better definitions, such as "waters of the US", thresholds, water's edge, and conveyance pathways.
- A greater consistency is needed between the permit and the fact sheet.
- The state will need help in applying the permit to biological controls; however, EPA is more concerned with residues than with biological controls.
- The TCEQ has had the foresight to request and get funding from EPA for education and outreach and is working with TDA and TAES in preparing educational and outreach materials for this. (Also, it was suggested that this work should be coordinated during conferences and annual meetings of stakeholder groups.)
- TCEQ was reminded they will need to have adequate experienced staff sufficiently trained to achieve a quick turnaround on permits, to avoid a serious back-up that would result in a delay in the application of pesticides, which would likely result in

increased insect and weed infestations, ultimately cost more money to correct, lead to loss of yields, possible health issues, odors, and other undesirable consequences.

- It was argued that Golf courses should be considered NPSs; that many serve as flood control areas; that threshold calculations should be included in the permits; that matrix and hydrologic connections need to be better defined; and that applicators should be the ones determining rates of application and not some unlicensed agency bureaucrat. It was further argued that certain ambiguities should be removed from the permit such as “may have been exposed,” since this allows too much latitude for claiming the permit has been violated.

At the conclusion of the Pesticide Permit stakeholder meeting, TDA was asked if the presented summary essentially represented the proposed pesticide permit and its planned implementation and whether TDA needed to add anything to it. They did not. Finally, after the meeting, Dr. Don L. Renchie (TAES) informed Mr. Cherepon that Dr. Mark Matocha (TAES) would possibly be replacing Dr. Bruce Lesikar as the TAES representative.

In the next item of information exchange, Mr. Cherepon then asked that if anyone had any suggestions for presentations for future ACS meetings, they should email him with their ideas.

VI. Announcements

No announcements were made.

VII. Public Comments

No public comments were made.

VIII. Adjournment

With no further announcements or public comment, the meeting was adjourned.

Recorded and transcribed by Alan Cherepon.

In their afternoon meeting, the decision was made by the Texas Groundwater Protection Committee that its FY11 third quarter meeting would take place on 04/20/11 at 1:00 P.M., in TCEQ Building F, Conference Room 2210. The Agricultural Chemicals Subcommittee meeting will, therefore, take place on the same date and in the same room at 10:30 A.M.

Attachments

Proposed 2011 Groundwater Pesticide Monitoring Plan