TEXAS GROUNDWATER PROTECTION COMMITTEE
RECORD OF MEETING
First Quarterly Meeting, Fiscal Year 2007

Meeting Date: October 18, 2006 Place: TCEQ Campus, Bldg F
Meeting No.: 70 Room: 2210

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<tr>
<td>Mary Ambrose</td>
<td>Texas Commission on Environmental Quality (TCEQ)</td>
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<td>Robert Mace</td>
<td>Texas Water Development Board (TWDB)</td>
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<td>Leslie Savage</td>
<td>Railroad Commission of Texas (RCT)</td>
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<td>Ken Ofunrein</td>
<td>Department of State Health Services (DSHS)</td>
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<td>David Villarreal</td>
<td>Texas Department of Agriculture (TDA) representing Ambrose Charles (TDA)</td>
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<td>Richard Egg</td>
<td>Texas State Soil and Water Conservation Board (TSSWCB)</td>
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<td>Barry Miller</td>
<td>Texas Alliance of Groundwater Districts (TAGD)</td>
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<td>Cecilia Wagner</td>
<td>Texas Water Resources Institute (TWRI) representing C. Allan Jones</td>
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<td>Bridget Scanlon</td>
<td>Bureau of Economic Geology (BEG)</td>
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<td>David Gunn</td>
<td>Texas Department of Licensing and Regulation (TDLR)</td>
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<tr>
<th>Agency Staff</th>
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<tr>
<td>Abiy Berehe</td>
<td>TCEQ</td>
<td>Water Supply Division</td>
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<td>Chris Chandler</td>
<td>TCEQ</td>
<td>Remediation Division</td>
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<td>Al Cherepon</td>
<td>TCEQ</td>
<td>Water Supply Division</td>
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<td>Pat Fontenot</td>
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<td>Frank Fuller</td>
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<td>Water Programs</td>
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<td>Peggy Hunka</td>
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<td>Isaac Jackson</td>
<td>TCEQ</td>
<td>Intergovernmental Relations</td>
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<td>Kathy McCormack</td>
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<td>Steve Musick</td>
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<td>Joe Peters</td>
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<td>Patricia Bobeck</td>
<td>DSHS</td>
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<th>Interested Parties</th>
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<tbody>
<tr>
<td>Nancy Overesch</td>
<td>Lower Colorado River Authority (LCRA)</td>
</tr>
<tr>
<td>Dee Lurry</td>
<td>United States Geological Survey (USGS)</td>
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<td>Hanna Day-Woodruff</td>
<td>Lowerre &amp; Frederick</td>
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<tr>
<td>T. Brown</td>
<td>Sierra Club</td>
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<td>Kelly Beck</td>
<td>URS Corporation</td>
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MEETING HANDOUTS

1. Agenda for Texas Groundwater Protection Committee meeting on October 18, 2006
2. Record for Texas Groundwater Protection Committee meeting on July 26, 2006
3. Agricultural Chemicals Subcommittee Report for meeting on October 18, 2006
4. Groundwater Data Management Subcommittee Report for meeting on August 18, 2006
5. Summary of Public Outreach and Education Subcommittee meeting on September 19, 2006
6. *Activities of the Texas Groundwater Protection Committee – Report to the 80th Legislature*, Draft Report Text (Committee members, only)
10. Current Rulemaking at the TCEQ
11. U. S. Environmental Protection Agency (EPA) Final Ground Water Rule, EPA 815-F-06-003, October 2006
12. 2006 – 2007 Water-related Conferences in Texas

MEETING RECORD OF OCTOBER 18, 2006

1. CALL TO ORDER AND INTRODUCTIONS

Mary Ambrose (TCEQ), Designated Chair of the Texas Groundwater Protection Committee (TGPC), called the meeting to order at approximately 1:08 PM CDST.

2. SUBCOMMITTEE REPORTS

Agricultural Chemicals

Steve Musick (TCEQ) reported that the Agricultural Chemicals Subcommittee held its Fiscal Year (FY) 2007 first quarter meeting on October 18, 2006.

There were no task force meetings in the last quarter. For the Site Selection Task Force, TWDB reported on their ongoing aquifer sampling program with a focus on the Carrizo-Wilcox aquifer and planned sampling activities in Parker and Wise counties.

The Subcommittee heard a presentation by Al Cherepon (TCEQ) presenting the summary report of this year’s (FY 2006) pesticide sampling and analysis efforts. The efforts included TCEQ immunoassay (IA) analysis of 330 TWDB groundwater samples in addition to groundwater samples collected at 10 public water supply systems and some private wells in the Panhandle area. Analytical results have been completed for IA analysis and LCRA lab analysis, indicating continued low level detections of atrazine and a few metolachlor detections. There were no detections above the Maximum Contaminant Levels for this year’s sampling. Results were not definitive for analyses of atrazine and metolachlor degradates. Analytical procedures were the limiting factor, with the practical detection limit too high for concentrations typically found at these sampling sites.

TCEQ staff presented a draft FY 2007 Pesticide Monitoring Plan for member discussion. Continued Cooperative Monitoring, ongoing monitoring at affected Public Water Supply systems, and special project monitoring were identified. Issues for further discussion include atrazine and metolachlor degradates, continuing metolachlor analyses in light of the small number of detections, additional pesticides of interest, and consideration of alternate analytical methods.

Members were again briefed on the Interagency Pesticide Database (IPD) from TCEQ. The IPD has been updated with pesticide analyses collected through December 2004. A report is under preparation to summarize the database and the results. This report will be presented at the next Committee meeting.
Data Management

Steve Musick (TCEQ) reported that the Data Management Subcommittee held a FY 2006 fourth quarter meeting on August 18, 2006 at TCEQ offices and a FY 2007 first quarter meeting on September 21, 2006 at TWDB offices.

Representatives from Geotechnical Research institute (GTRI) attended the August meeting. TCEQ has contracted with GTRI to prepare the second phase of the state groundwater monitoring strategy. This second phase will focus on assessment of data as well as developing a draft document for Subcommittee consideration. Steve Musick (TCEQ) provided background information on the need and value of a strategy and related federal initiatives, and Jim Lester (GTRI) provided background information on his organization and their work with water quality monitoring projects. Stephanie Glenn (GTRI) presented their draft work plan and solicited discussion and comment from Subcommittee members.

At the September meeting, the Subcommittee heard a presentation by Bridget Scanlon (BEG) entitled, “Analysis of Nitrate Contamination in Groundwater in Texas, Phase I Summary and Phase II Progress Report”. There was also continued discussion of the second phase of the monitoring strategy project with participation and information requests from the contractor (GTRI). The members discussed the Groundwater Data Dictionary (http://www.tceq.state.tx.us/comm_exec/forms_pubs/pubs/gi/gi-272.html) and the need for any updates. Cary Betz (TCEQ) noted that the Dictionary had been reviewed by the Texas Geographic Information Council and found to be compliant with current standards. Janie Hopkins (TWDB) indicated that they may have some comments on the Dictionary that would improve its usability.

The next Data Management Subcommittee meeting is tentatively scheduled for October 25, 2006 at the TWDB offices.

Public Education and Outreach

Kathy McCormack (TCEQ) reported that the Public Outreach and Education (POE) Subcommittee last met on September 19, 2006. Ten agencies and organizations were represented at the meeting.

POE Subcommittee members again reviewed the 10 specific issues in the draft Educational Outreach Plan and ranked them according to the relative amount of effort anticipated to complete each Issue. Group leaders will be submitting final edits by October 20, 2006, and a final version of the Plan should be available for review and approval at the next Committee meeting.

POE Subcommittee members approved their final list of accomplishments to be included in the Activities of the Texas Groundwater Protection Committee – Report to the 80th Legislature (“Legislative Report”).
Potential projects for Fiscal Year 2007 were discussed, such as a hydrocarbon Drinking Water Fact Sheet, which would include potential sources of oil field contamination, and homeowner maintenance and graywater usage On-Site Sewage Facilities (OSSF) Fact Sheets. The Spanish version of the Radionuclides Fact Sheet is under review, and the Texas Cooperative Extension (TCE) received an American Society of Agricultural and Biological Engineers (ASABE) Blue Ribbon Award for an outstanding entry in the 2006 Educational Aids Competition, in the Publications – Fact Sheets category, for their Perchlorate Fact Sheet.

TCE screened over 250 well samples in 10 counties during August – October, 2006. Since August 2006, TGPC exhibits at four local conferences and seminars attracted over 300 estimated visitors, and TGPC material will be displayed and distributed at three additional events over the next three weeks.

The next POE Subcommittee meeting is tentatively scheduled for November 9, 2006.

Groundwater Research

Bridget Scanlon (BEG) reported that the Groundwater Research Subcommittee met earlier that day, October 18, 2006. A variety of topics were discussed, including Future Gen, a $1 billion public-private partnership to design, build, and operate the world’s first coal-fueled, zero emissions power plant capable of producing hydrogen and sequestering carbon dioxide (see [http://www.futuregenalliance.org/](http://www.futuregenalliance.org/) and [http://www.beg.utexas.edu/futuregentexas/index.htm](http://www.beg.utexas.edu/futuregentexas/index.htm)). They also discussed the research needs of TCEQ, TDA, TSSWCB, and DSHS. The Subcommittee has decided to generate a new white paper on arsenic and radionuclides issues along the Gulf Coast.

Nonpoint Source Task Force

Richard Egg (TSSWCB) reported that the Nonpoint Source Task Force did not meet in the last quarter. TSSWCB and TCEQ must submit an annual report on nonpoint source (NPS) pollution to EPA, and all agencies are encouraged to contribute any news releases related to NPS and groundwater to Richard Egg so that they can be included in this report.

3. BUSINESS DISCUSSION AND POSSIBLE ACTION

TGPC Report to the 80th Legislature, 2007 – Discussion of Report Text, Discussion and Approval of Draft Legislative Recommendations, Discussion of Timetable for Completion of Report and Delivery to Legislature

Steve Musick (TCEQ) and Frank Fuller (TCEQ) presented Committee members with a draft copy of the report text for the Activities of the Texas Groundwater Protection Committee – Report to the 80th Legislature. Several sections from previous editions have been merged for clarity, some new sections have been introduced, and detailed appendixes are provided.
Mary Ambrose (TCEQ) explained that the Legislative Recommendations are a consensus of the Committee and not necessarily a reflection of each agency’s position. A simple majority vote by the Committee approves each draft Legislative Recommendation for inclusion in the Report. The general Legislative Recommendation categories, specific titles, and final voting decisions are listed below.

STREAMLINE PERMITTING EFFORTS

*Facilitate Disposal/Use of Desalination Concentrate and Drinking Water Treatment Residuals*

Mary Ambrose (TCEQ) proposed, Bridget Scanlon (BEG) seconded, and all Committee members except Barry Miller (TAGD) voted to continue editing this Legislative Recommendation. Leslie Savage (RCT) was absent at the time of this vote.

After the Committee completed editing this Legislative Recommendation, Robert Mace (TWDB) proposed, Bridget Scanlon (BEG) seconded, and all Committee members except Barry Miller (TAGD) voted to include the edited version of this Legislative Recommendation in the Report. Note that Leslie Savage (RCT) arrived at approximately 1:41 PM CDST, she was present at the time of this vote, and she was present for the remainder of the meeting.

*Evaluate Characteristics of Concentrate Resulting from Desalination and Drinking Water Treatment to Support Streamlined Permitting*

Mary Ambrose (TCEQ) proposed, Bridget Scanlon (BEG) seconded, and all Committee members voted to continue editing this Legislative Recommendation.

After the Committee completed editing this Legislative Recommendation, Mary Ambrose (TCEQ) proposed, Richard Egg (TSSWCB) seconded, and all Committee members voted to include the edited version of this Legislative Recommendation in the Report.

STRENGTHEN GROUNDWATER CONSERVATION and WATER QUALITY PROTECTION EFFORTS

*Fund Brush Control Projects to Increase Groundwater Yield*

Richard Egg (TSSWCB) proposed, David Villarreal (TDA) seconded, and all Committee members voted to include the edited version of this Legislative Recommendation in the Report.
Encourage On-Farm Agricultural Best Management Practice Incentives through Creation of a Water Conservation Plan Program

Mary Ambrose (TCEQ) proposed that the Committee continue editing this Legislative Recommendation.

After the Committee completed editing this Legislative Recommendation, Mary Ambrose (TCEQ) proposed, David Villarreal (TDA) seconded, and all Committee members except Barry Miller (TAGD) voted to include the edited version of this Legislative Recommendation in the Report.

Protect Groundwater Quality through Education Programs

Barry Miller (TAGD) proposed, Mary Ambrose (TCEQ) seconded, and all Committee members voted to continue editing this Legislative Recommendation.

After the Committee completed editing this Legislative Recommendation, Barry Miller (TAGD) proposed, David Villarreal (TDA) seconded, and all Committee members voted to include the edited version of this Legislative Recommendation in the Report.

Establish an Abandoned Water Well Plugging Fund

Barry Miller (TAGD) proposed, Cecilia Wagner (TWRI) seconded, and all Committee members voted to include this Legislative Recommendation in the Report. David Gunn (TDLR) will prepare a cost calculation for this Legislative Recommendation, using given assumptions, in case it is needed at a future date.

Fund TWDB Municipal Water Conservation Programs

Robert Mace (TWDB) proposed, Mary Ambrose (TCEQ) seconded, and all Committee members voted to include the edited version of this Legislative Recommendation in the Report.

Continue to Support the Panhandle AgriPartners Program

Mary Ambrose (TCEQ) proposed, David Villarreal (TDA) seconded, and all Committee members except Barry Miller (TAGD) voted to include the edited version of this Legislative Recommendation in the Report. Barry Miller abstained from this vote.
ADVANCE GROUNDWATER MANAGEMENT and PROTECTION THROUGH ENHANCED DATA COLLECTION and AVAILABILITY

Improve the State’s Groundwater Database

Robert Mace (TWDB) proposed, Barry Miller (TAGD) seconded, and all Committee members voted to include the edited version of this Legislative Recommendation in the Report.

Establish Statewide Real-Time Groundwater Level Monitoring System

Robert Mace (TWDB) proposed, Mary Ambrose (TCEQ) seconded, and all Committee members voted to include the edited version of this Legislative Recommendation in the Report.

Provide Data and Resources to Support “Desired Future Conditions”

Robert Mace (TWDB) proposed, David Gunn (TDLR) seconded, and all Committee members voted to include the edited version of this Legislative Recommendation in the Report with minor additional funding information consistent with the TWDB’s Legislative Appropriation Request to be provided by Robert Mace to Frank Fuller (TCEQ) after the meeting.

Improve Groundwater Availability Modeling

Robert Mace (TWDB) proposed, Barry Miller (TAGD) seconded, and all Committee members voted to include this Legislative Recommendation in the Report. Note that Cecilia Wagner (TWRI) left at approximately 3:30 PM CDST, she was absent at the time of this vote, and she was absent for the remainder of the meeting.

Convert State Well Reports to Electronic Format/Database for Ease of Access

Barry Miller (TAGD) proposed, Robert Mace (TWDB) seconded, and all Committee members voted to include the edited version of this Legislative Recommendation in the Report.

SUPPORT GROUNDWATER RESEARCH

Evaluate Impact of Dryland Agriculture on Groundwater Resources in the Texas High Plains Aquifer

Bridget Scanlon (BEG) proposed, David Villarreal (TDA) seconded, and all Committee members except Barry Miller (TAGD) voted to include the edited version of this Legislative Recommendation in the Report. Barry Miller abstained from this vote.
Study the Impact of Irrigation on Groundwater Resources in the High Plains Aquifer

Bridget Scanlon (BEG) proposed, David Villarreal (TDA) seconded, and all Committee members except Barry Miller (TAGD) voted to include the edited version of this Legislative Recommendation in the Report. Barry Miller abstained from this vote.

Finally, Mary Ambrose (TCEQ) proposed, Leslie Savage (RCT) seconded, and all Committee members voted to give TCEQ staff permission to make any minor changes that may be needed to make it compatible with publication standards and with previous editions of the Report and to make any grammatical changes that may be needed.

Frank Fuller (TCEQ) indicated that final editing of the Report should be completed by October 19, 2006 and the final draft of the Report would be emailed to the Committee members by October 23, 2006. TCEQ’s Publications department will then perform a final edit of the Executive Summary, and the Report will be published by mid-December 2006. The Report will be delivered to the Governor, Lieutenant Governor, and the Speaker of the House (as required by legislation), and the Committee will also provide a copy to the members of the House and Senate Natural Resources Committees.

Set Future Meeting Dates

The next TGPC meeting is tentatively scheduled for January 17, 2007 at 1:00 PM CDT.

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

Open Meetings and Open Records Training – Reminder for Action

Mary Ambrose (TCEQ) reminded all designated Committee and Subcommittee representatives and their alternates serving as of January 1, 2006 to complete their Open Meetings training by January 1, 2007. Representatives assigned after January 1, 2006, have 90 days from their first meeting to complete the required training. Open Meetings and Open Records training are 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. Committee 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 e-mailed to Mary Ambrose, mambrose@tceq.state.tx.us.

Robert Mace (TWDB) offered to host a special meeting to watch the Open Meetings training DVD, if needed.
Water Quality Inventory (305(b)) Report – 2004 and 2006

Steve Musick (TCEQ) reported that TCEQ is still working on posting the groundwater portion of the 2004 Water Quality Inventory (305(b)) Report on the TCEQ website (http://www.tceq.state.tx.us/compliance/monitoring/water/quality/data/04twqi/twqi04.html), and that the 2006 Water Quality Inventory (305(b)) Report may be an electronic (vs. published) version of the document.

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

Steve Musick (TCEQ) reported that there has been a substantial increase in the number of notifications of remediation sites since the last TGPC meeting, and that additional meetings are planned with other state agencies.

Regional Water Planning – Texas Water Development Board

Robert Mace (TWDB) reported that TWDB staff took the draft 2007 State Water Plan (http://www.twdb.state.tx.us/publications/reports/State_Water_Plan/2007/2007%20final%20draft%20OSWP/Final_Draft_2007SWP1.htm) on a tour around the state to a number of public meetings and a public hearing, and TWDB staff are now responding to comments. The final draft of the Plan will be presented in November 2006 for approval. After approval, the Plan will be published and delivered to the Governor, Lieutenant Governor, and the Speaker of the House, among others.

TWDB staff are now beginning the next round of Regional Water Planning by reviewing planning grants from the various regions.

Mary Ambrose (TCEQ) indicated that the Joint Groundwater Monitoring and Contamination Report – 2005 (http://www.tceq.state.tx.us/comm_exec/forms_pubs/pubs/sfr/056_05_index.html) will be sent to the Regional Water Planning Groups in order to facilitate communication. Robert Mace (TWDB) will provide the contact information for the Chairs of the Regional Water Planning Groups to Steve Musick (TCEQ) so that the Report can be sent to them.

Groundwater Availability Modeling – Texas Water Development Board

Robert Mace (TWDB) reported that they are continuing to make progress on several models and data development. A Technical Advisory Group will be convened in the next couple of months to review the plans.

Drought Status – All Agencies

Mary Ambrose (TCEQ) handed out a map of Texas entitled, “Drought 2006 – Public Water Supply Systems Affected as of October 1, 2006” and a list entitled, “Texas Public Water Systems Limiting Water Use to Avoid Shortages”. There are now 104 Public Water Supply Systems that are under voluntary water use restrictions and 176 under
mandatory water use restrictions (compared to 62 and 98, respectively, as of July 1, 2006). Many of the systems under water use restrictions use groundwater as their source.

Richard Egg (TSSWCB) reported that the Drought Preparedness Council (http://www.txwin.net/dpc/) will be meeting on October 24, 2006 in Wylie, Texas.

5. ANNOUNCEMENTS

Rules Update

Mary Ambrose (TCEQ) distributed a summary of the TCEQ rule tracking log to TGPC members. There were seven rules summarized in the tracking log (listed below) that were of interest to the Committee:

- Pending Proposals (1)
  - Compliance History
- Proposals (1)
  - Texas Risk Reduction Rule Amendment
- Pending Adoptions (1)
  - SB 485 and HB 1987: Petroleum Storage Tank Rule Revisions
- Adoptions (4)
  - HBs 828, 1208, 1644, 1673, and 1763 and SB 693: Districts
  - SB 1902 and HB 2250: Rio Grande Watermaster Duties and Private Water Conveyance Permits in the Rio Grande
  - SB 1707: Relating to the Regulation of Poultry Facilities
  - HBs 1358 and 2301 and SB 1063: Rates

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

Mary Ambrose (TCEQ) also distributed an EPA Fact Sheet entitled, “Final Ground Water Rule”. The Rule establishes a risk-targeted strategy to identify groundwater-dependant public drinking water systems that are at high risk for fecal contamination, and specifies when corrective action (which may include disinfection for bacteria and viruses) is required to protect the consumers of this water.

Robert Mace (TWDB) reported that they have a minor rule change to correct a technical error for Groundwater Management Areas.

New Publications

Leslie Savage (RCT) reported that the following information is now available on their homepage:

- “Water Use in Association with Regulated Oil and Gas Activities” (http://www.rrc.state.tx.us/divisions/og/wateruse.html); and,

Leslie Savage (RCT) also reported that a Groundwater Conservation and Management Group has been formed with 14 – 16 oil and gas industry representatives. RCT, TWDB, and others have asked this group to provide information on how much water they are using in several different categories (e.g., purchased surface water, purchased groundwater from a landowner, purchased groundwater from a water supplier, groundwater from drilled wells, etc.).

Robert Mace (TWDB) reported that they are funding a study to look at current and projected water usage related to oil and gas exploration in the Barnett Shale and estimated population increases in the area. This data will be included in Groundwater Availability Models and the effect on groundwater levels will be analyzed. The study will be completed in January 2007.

Upcoming Conferences

- TWCA 2007 Spring Meeting, Mar 6 – 9, Austin, http://www.twca.org/meetings.html
• Texas Rural Water Association (TRWA) 2007 Annual Convention, Mar 21 – 23, Austin, details forthcoming at http://www.trwa.org/index.htm

6. PUBLIC COMMENT

There was no public comment.

7. ADJOURN

Mary Ambrose (TCEQ) adjourned the meeting at approximately 4:02 PM CDST.