

TEXAS GROUNDWATER PROTECTION COMMITTEE
RECORD OF MEETING
 First Quarterly Meeting, Fiscal Year 2015

Meeting Date: November 12, 2014
 Meeting No.: 108

Place: TCEQ Campus, Bldg B
 Room: 201A

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MEETING ATTENDANCE

Committee Members

Cary Betz

Larry French

Janie Hopkins

Chris Moore

David Villarreal

T.J. Helton

David Van Dresar

Bridget Scanlon

David Gunn

Affiliation

Texas Commission on Environmental Quality (TCEQ)

Texas Water Development Board (TWDB)
TWDB

Railroad Commission of Texas (RRC)

Texas Department of Agriculture (TDA)

Texas State Soil and Water Conservation Board (TSSWCB)

Texas Alliance of Groundwater Districts (TAGD)

University of Texas Bureau of Economic Geology (UTBEG)

Texas Department of Licensing and Regulation (TDLR)

Agency Staff

Abiy Berehe

Alan Cherepon

Peggy Hunka

Kathy McCormack

Kelly Mills

L. Scott Underwood

Affiliation

TCEQ

TCEQ

TCEQ

TCEQ

TCEQ

TCEQ

Program

Water Availability Division

Water Availability Division

Water Availability Division

Water Availability Division

Water Availability Division

Water Availability Division

Interested Parties

Diane Boellstorff

Shelley Ross

Affiliation

Texas A&M AgriLife Extension Service (AgriLife Extension)

Kelly Hart & Hallman, LLP

MEETING HANDOUTS

1. Agenda for Texas Groundwater Protection Committee meeting on November 12, 2014
2. Record for Texas Groundwater Protection Committee meeting on July 16, 2014
3. Summary of Texas Groundwater Protection Committee (TGPC) Public Outreach and Education (POE) Subcommittee meeting, September 16, 2014
4. Texas Groundwater Protection Committee, Mega Subcommittee, Subcommittee Charge (TGPC members only)
5. Drought 2014 – U.S. Drought Monitor, Texas, November 4, 2014; U.S. Seasonal Drought Outlook, October 2014 – January 2015; Public Water Supply Systems Affected, November 5, 2014; TCEQ List of Texas Public Water Systems (PWSs) Limiting Water Use to Avoid Shortages, November 5, 2014
6. TCEQ Rules Update, 11/7/2014
7. 2014 – 2015 Water-related Conferences in Texas, November 2014

The following items were also on display on the handout table:

1. Aquifer Materials poster and samples
2. Texas Well Owner Network (TWON) fact sheets (AgriLife Extension publications, <http://twon.tamu.edu/fact-sheets/>):
 - a. Animal Manure Storage to Protect Groundwater (SC-020, September 2014);
 - b. Hydraulic Fracturing and your Private Water Well (SC-012, August 2014);
 - c. Private Drinking Water Well Basics (SC-013, April 2014);
 - d. Protect Your Water Well During Drought (SC-014, April 2014);
 - e. Storing and Handling Pesticides to Protect Groundwater (SC-016, August 2014);
 - f. Storing Petroleum Products to Protect Groundwater (SC-017, August 2014);
 - g. Managing Hazardous Materials to Protect Groundwater (SC-018, September 2014);
 - h. What to Do About Coliform Bacteria in Well Water (SC-022, August 2014);
 - i. Managing Fertilizers to Protect Groundwater (SC-023, August 2014);
 - j. Managing Livestock Holding Pens to Protect Groundwater (SC-019, September 2014); and,
 - k. Maintain Your Septic System to Protect Well Water (SC-015, September 2014).

MEETING RECORD OF NOVEMBER 12, 2014

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 1:07 PM CST. TGPC members then introduced themselves.

2. SUBCOMMITTEE REPORTS

Agricultural Chemicals

Alan Cherepon (TCEQ) reported that the TGPC Agricultural Chemicals Subcommittee met that morning, November 12, 2014, and six of the seven members were present. Items of interest in the task force reports came from the Site Selection Task Force Chair, Janie Hopkins (TWDB):

- The TWDB groundwater quality sampling contract for 2015 had been approved;
- Sampling was scheduled for the Trinity, Edwards-Trinity Plateau, Lipan, and other smaller aquifers; and,
- In 2014, TWDB sampled over 300 wells plus additional wells in the major hydraulic fracturing area in the Carrizo-Wilcox Aquifer.

Alan Cherepon gave summary presentations on the 2014 pesticide groundwater monitoring activities and the U.S. Environmental Protection Agency (EPA) Region 6 pesticide meeting and annual Quality Assurance conference that were held in October 2014. The 2015 pesticide groundwater monitoring plan was approved by the Agricultural Chemicals Subcommittee. The Agricultural Chemicals Subcommittee also discussed the suggested changes to its Charge.

Data Management

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

Public Outreach and Education

Diane Boellstorff (AgriLife Extension) reported that the TGPC POE Subcommittee met on September 16, 2014, four state and federal agencies and organizations were represented, and the current Outreach Events Status Report (available on the POE Subcommittee webpage, <http://www.tgpc.state.tx.us/subcommittees-POE-POE.php>, under “Additional Resources”) was reviewed:

- There had been two water well screening events and two TGPC exhibits since the June 10, 2014, POE Subcommittee meeting.

Dave O'Rourke (CH2M Hill) gave the POE Subcommittee a very informative presentation on Aquifer Storage Recovery (ASR) in Texas. The POE Subcommittee may develop a Frequently Asked Question (FAQ) on ASR in the future.

Regarding the various actions discussed at the June 10, 2014, meeting that could be taken to promote the four topics in the current *Texas Groundwater Protection Committee Groundwater Educational Outreach Plan* ("Plan", http://www.tgpc.state.tx.us/subcommittees/POE/TGPC_POE_GW_EduOutreachPlan10Sep2013.pdf):

- Kathy McCormack (TCEQ) reported that an email survey of 14 non-TAGD Groundwater Conservation Districts (GCDs) was conducted August 25 – September 5, 2014, and an email survey of 84 TAGD GCDs was conducted September 2 – 12, 2014, regarding abandoned water well cost-share plugging programs.
- Diane Boellstorff (AgriLife Extension) reported that:
 - Drew Gholson (AgriLife Extension) continues to work toward identification of candidates for water well closure (i.e., plugging) demonstrations;
 - They may develop a TWON fact sheet about identifying abandoned water wells;
 - They may create their own YouTube videos;
 - Texas Water Resources Institute (TWRI) is sharing their TWON information through Twitter; and,
 - TWON outreach will be pursued with the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) State Water Quality Specialist.
- Charles Swanson (AgriLife Extension) reported that a new version of the WaterMyYard (<http://watermyyard.org/>) program had been released this past summer and they were working with several partners (e.g., homeowners in Irving, the North Texas Municipal Water District, and the Brazos County AgriLife Extension Office) to quantify the program's water savings. Two fact sheets about evapotranspiration (ET) may also be developed later this year.

Diane Boellstorff (AgriLife Extension) also reported that the POE Subcommittee met that morning, November 12, 2014, and reviewed several status reports on:

- Recent and upcoming outreach events – there had been four water well screening events and two TGPC exhibits since the September 16, 2014, POE Subcommittee meeting, and AgriLife Extension had bentonite to share with GCDs, the Arroyo Colorado Watershed Protection Plan (WPP) in the Rio Grande Valley, and/or a well plugging demonstration in Grimes County;
- TWON training activities – the program's cumulative total is now 4,822 people and/or samples with four upcoming events; and,
- TGPC Website Activity Statistics – the data was similar to that seen in previous meetings.

The majority of the meeting was spent reviewing three draft educational groundwater videos, *How Aquifers Work*, *Groundwater Budget and Availability Models*, and *Using Groundwater Availability Models in Water Planning* presented by Cindy Ridgeway (TWDB). The videos were well received by POE Subcommittee members and

constructive feedback was provided. TWDB plans to make the four videos (including *Aquifers in Texas* which had been presented at the POE Subcommittee meeting on March 5, 2014) publicly available next year.

The TGPC online map (available at <http://www.tgpc.state.tx.us/WaterWells.php#Aband>) had been updated and the number of districts in the state reporting cost-share, loan, grant, or other types of funding for plugging abandoned water wells within their district more than doubled from last year (eight in 2013, and 17 in 2014).

Diane Boellstorff (AgriLife Extension) reported that Ron Kaiser (Texas A&M University) still planned to have a draft update of *Questions About Groundwater Conservation Districts in Texas* (AgriLife Extension publication B-612, available at <http://www.agrilifebookstore.org/Default.asp>) by December 1, 2014, and he may ask the TGPC POE Subcommittee to provide feedback on portions of it.

The next POE Subcommittee meeting was scheduled for February 3, 2015.

Groundwater Research

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

Legislative Report

Cary Betz (TCEQ) reported that the TGPC Legislative Report Subcommittee had not met since the last TGPC meeting but that the final draft *Activities and Recommendations of the Texas Groundwater Protection Committee – Report to the 84th Legislature* would be discussed during the Business portion of the meeting.

3. PRESENTATION

There was no scheduled presentation at the meeting.

4. BUSINESS DISCUSSION AND POSSIBLE ACTION

Restructuring of TGPC Subcommittees – Discuss and Approve Changes

Cary Betz (TCEQ) led a discussion on the structure and purpose of a new TGPC Subcommittee that would largely incorporate the vital functions of the Agricultural Chemicals, Groundwater Research, and Data Management Subcommittees plus some additional duties and functions. TGPC members agreed to continue discussion of the draft Charge and to possibly take action at the next TGPC meeting.

Activities and Recommendations of the Texas Groundwater Protection Committee – Report to the 84th Legislature – Discussion of Final Report Text, Approval of Final Report, and Discussion of Timetable for Completion of Final Report and Delivery to the Legislature

Cary Betz (TCEQ) invited discussion on the final draft of the *Activities and Recommendations of the Texas Groundwater Protection Committee – Report to the 84th Legislature* (“*Legislative Report*”) that had been out for review by TGPC member agency management since the last TGPC meeting. Non-substantive changes identified by TSSWCB and RRC were accepted. Larry French (TWDB) proposed and David Villarreal (TDA) seconded a proposal to delete the last paragraph in the Groundwater Classification System section related to brackish groundwater. TWDB, RRC, TDA, and UTBEG voted for the proposal, TSSWCB, TAGD, and TDLR voted against the proposal, TCEQ abstained, and the motion passed. David Villarreal (TDA) proposed, Bridget Scanlon (UTBEG) seconded, and all remaining TGPC members approved the *Legislative Report* as amended at the meeting and authorized TCEQ staff to continue its publication process. Cary Betz (TCEQ) anticipated a publication delivery date of December 15, 2014.

Texas Groundwater Protection Strategy – Discussion of Final Report Text, Approval of Final Report, and Discussion of Timetable for Completion of Final Report and Delivery to the Legislature

Cary Betz (TCEQ) invited discussion on the draft update of the *Texas Groundwater Protection Strategy* (“*Strategy*”). Non-substantive changes were identified by TDA and TSSWCB. David Villarreal (TDA) suggested the establishment of a work group consisting of TCEQ, TWDB, RRC, and TAGD to refine and come to consensus on the Groundwater Classification System section in the *Strategy*. Cary Betz indicated that he would poll the work group members and set up a teleconference for mid-December 2014. Cary Betz also noted that a letter of concurrence would be required from TGPC member agency management prior to posting the document in the *Texas Register* for public comment. TGPC members agreed to continue working on the *Strategy* update with a goal of completing it for public comment by the third quarter of FY2015.

Current Groundwater Issues

Larry French (TWDB) noted that *Technical Note 14-02 – Summary of Groundwater Conditions in Texas: Recent (2012 – 2013) and Historical Water-Level Changes in the TWDB Recorder Network*

(http://www.twdb.texas.gov/publications/reports/technical_notes/doc/TechnicalNote14-02.pdf) had recently been published.

Bridget Scanlon (UTBEG) announced that they had recently completed a study on the impacts of hydraulic fracturing on groundwater availability in the Eagle Ford Shale. Groundwater level declines of up to 200 feet over the past five years in several wells in the western portion of the area were concerning.

David Gunn (TDLR) left at 2:41 PM CST, returned at 2:43 PM CST, and was present for the remainder of the meeting.

Set Future Meeting Date

The next TGPC quarterly meeting was scheduled for January 21, 2015, at 1:00 PM CST.

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) had met six times during the last quarter and reviewed 12 groundwater contamination cases. Eighty nine letters were mailed to private drinking water well owners during the last quarter.

Groundwater Management Areas

David Van Dresar (TAGD) reported that Groundwater Conservation Districts (GCDs) were still in the Desired Future Conditions (DFCs) planning process with Proposals to Adopt due by May 1, 2016.

Regional Water Planning

Larry French (TWDB) reported that the Regional Water Planning Groups (RWPGs) are evaluating water management strategies with initially-prepared plans due by May 1, 2015.

Groundwater Availability Modeling

Larry French (TWDB) reported that their Groundwater Availability Model (GAM) work included:

- Llano Uplift Aquifer (internal – new – completion target August 2015);
- Bone Spring-Victorio Peak Aquifer (internal – review – completion target mid 2015);
- Blossom Aquifer (internal – new – completion target December 2016);
- Capitan Reef Complex Aquifer (internal – new – completion target August 2015);
- Gulf Coast Aquifer (internal – upgrade – completion target December 2016);
- Marathon Aquifer (internal – new – completion target July 2018);
- High Plains Aquifer (contract – upgrade – completion target August 2015); and,
- Brazos River Alluvium Aquifer (contract – new – completion target August 2016).

David Villarreal (TDA) left at 2:56 PM CST, returned at 3:01 PM CST, and was present for the remainder of the meeting.

Nonpoint Source Pollution

T.J. Helton (TSSWCB) reported that U.S. EPA is hosting the 2014 National Nonpoint Source Training Workshop in Dallas on November 17 – 20, 2014.

National Groundwater Initiatives

Cary Betz (TCEQ) reported that he and Janie Hopkins (TWDB) had attended a U.S. Department of the Interior Advisory Committee on Water Information (ACWI) Subcommittee on Ground Water (SOGW, <http://acwi.gov/sogw/>) meeting on September 16 – 17, 2014.

Bridget Scanlon (UTBEG) reported that USGS had recently published *Estimated Use of Water in the United States in 2010* (Circular 1405, <http://pubs.usgs.gov/circ/1405/>) showing that water use across the country had reached its lowest recorded level in nearly 45 years with a 13 % reduction in water use from 2005.

Alan Cherepon (TCEQ) reported that the U.S. EPA had mentioned the revised “Waters of the U.S.” definition at the recent Region 6 pesticide meeting. The deadline for public comment had been extended to November 14, 2014.

Drought Status

Cary Betz (TCEQ) referred TGPC members to the most recent U.S. Drought Monitor map, the TCEQ drought-affected Public Water Systems (PWSs) map, and the TCEQ List of PWSs Limiting Water Use to Avoid Shortages (aka, the “180-day list”). As of November 4, 2014, 74 % of the state was in one of the five drought categories (down from 88 % at the last meeting), and drought conditions were forecast to disappear in the entire state through January 2015. As of November 5, 2014, of the 4,638 active community water systems in Texas, 1,185 were affected by drought (either voluntary or mandatory), and 792 of these use groundwater (either exclusively or partially). As of November 5, 2014, 57 PWSs in the state could be out of water in 180 days or less (up from 50 at the last TGPC meeting).

6. ANNOUNCEMENTS

Rules Update

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

- 2014-006-311-OW – Amendments to Chapter 311 Subchapter G: Watershed Protection;
- 2013-058-331-WS – HB 1079: Class III UIC Area Permits;
- 2013-053-331-WS – SB 1532: Authorizing Certain Injection Wells in the Edwards Aquifer;

- 2013-046 -290-OW – HB 1600, §2.96, and SB 567, §§1, 4, 95, and 96; Federal Revisions; and Staff-Initiated Rule Efficiencies;
- 2013-025-317-LS – Reproposal of 30 TAC Chapter 317: Design Criteria for Sewage Systems;
- 2012-040-217-OW – Amendments to 30 TAC Chapter 217: Design Criteria for Domestic Wastewater Systems;
- 2009-034-311-OW – Water Quality Management within the Barton Creek and Onion Creek Watersheds; and,
- 2008-022-213-CE – Edwards Aquifer Amendment.

Additional information on a specific TCEQ rule can be found at <http://www.tceq.texas.gov/rules/whatsnew.html>.

New Publications

Diane Boellstorff (AgriLife Extension) announced that, along with an Aquifer Materials poster and samples, printed copies of all 11 TWON fact sheets were available on the handout table.

Upcoming Conferences

Cary Betz (TCEQ) referred TGPC members to the conferences listed in the “2014 – 2015 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.php> under “Additional Resources”.

7. PUBLIC COMMENT

There was no public comment.

8. ADJOURN

Cary Betz (TCEQ) adjourned the meeting at approximately 3:09 PM CST.