

**TEXAS GROUNDWATER PROTECTION COMMITTEE**  
**RECORD OF MEETING**  
 Second Quarterly Meeting, Fiscal Year 2013

Meeting Date: January 16, 2013  
 Meeting No.: 96

Place: TCEQ Campus, Bldg F  
 Room: 2210

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## MEETING ATTENDANCE

### Committee Members

Cary Betz

Janie Hopkins

Peter Pope

Richard Eyster

Richard Egg

David Van Dresar

Kevin Wagner

Bridget Scanlon

### Affiliation

Texas Commission on Environmental Quality (TCEQ)

Texas Water Development Board (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)

Texas A&M AgriLife Research (AgriLife Research)

University of Texas Bureau of Economic Geology (UTBEG)

### Agency Staff

Abiy Berehe

Bill Carter

Alan Cherepon

David Hastings

Kathy Humphreys

Kathy McCormack

Kelly Mills

Joe Peters

L. Scott Underwood

### Affiliation

TCEQ

TCEQ

TCEQ

TCEQ

TCEQ

TCEQ

TCEQ

TCEQ

TCEQ

### Program

Water Availability Division

Water Quality Planning Division

Water Availability Division

Water Quality Division

Environmental Law Division

Water Availability Division

Water Availability Division

Water Availability Division

Water Availability Division

### Interested Parties

Larry Beran

Calvin Finch

Gary Franklin

Barbara Mahler

Cindy Loeffler

Stacey Steinbach

### Affiliation

AgriLife Research

Texas A&M Water Conservation and Technology Center (WCTC)

Barton Springs / Edwards Aquifer Conservation District (BSEACD) and Lower Colorado River Authority (LCRA)

United States Geological Survey (USGS)

Texas Parks and Wildlife Department (TPWD)

TAGD

## MEETING HANDOUTS

1. Agenda for Texas Groundwater Protection Committee meeting on January 16, 2013
2. Record for Texas Groundwater Protection Committee meeting on October 10, 2012
3. Summary of Texas Groundwater Protection Committee (TGPC) Public Outreach and Education (POE) Subcommittee meeting, December 4, 2012
4. Texas Well Owner Network (TWON) fact sheet  
(<http://twon.tamu.edu/media/308900/twon.4.2012.pdf>)
5. *TWON Well Owner's Guide to Water Supply* (Texas A&M AgriLife Extension Service (AgriLife Extension) publication B-6257, <https://agrilifebookstore.org/>, TGPC members only)
6. *Activities and Recommendations of the Texas Groundwater Protection Committee – A Report to the 83rd Legislature* (TCEQ publication SFR-047/12, [http://www.tceq.texas.gov/assets/public/comm\\_exec/pubs/sfr/047\\_12.pdf](http://www.tceq.texas.gov/assets/public/comm_exec/pubs/sfr/047_12.pdf), TGPC members only)
7. Draft Table of Contents for *Joint Groundwater Monitoring and Contamination Report – 2012* (TGPC members only)
8. Draft TGPC Public Information Officer Charge (TGPC members only)
9. Draft TGPC RMD 103 Records Inventory Sheets, Agency Item # 728, 729, 730, and 731 (TCEQ Form 10518, TGPC members only)
10. Drought 2013 – U.S. Drought Monitor, Texas as of January 8, 2013; U.S. Seasonal Drought Outlook, January – March 2013; Public Water Supply Systems Affected as of January 9, 2013
11. Handout regarding TGPC National Groundwater Awareness Week 2013 posters (TGPC members only)
12. TCEQ Rules Update, January 14, 2013
13. Take Care of Texas bumper sticker (TCEQ publication M-017, <http://www.tceq.texas.gov/publications/m/m-017.html>)
14. 2013 Water-related Conferences in Texas, January 2013

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

1. TGPC Public Information Act Policy
2. *TWON Well Owner's Guide to Water Supply* (AgriLife Extension publication B-6257, <https://agrilifebookstore.org/>)
3. *Activities and Recommendations of the Texas Groundwater Protection Committee – A Report to the 83rd Legislature* (TCEQ publication SFR-047/12, [http://www.tceq.texas.gov/assets/public/comm\\_exec/pubs/sfr/047\\_12.pdf](http://www.tceq.texas.gov/assets/public/comm_exec/pubs/sfr/047_12.pdf))
4. *Dry Cleaning Activities: Report to the 83rd Texas Legislature* (TCEQ publication SFR-083/12, [http://www.tceq.texas.gov/assets/public/comm\\_exec/pubs/sfr/083-12.pdf](http://www.tceq.texas.gov/assets/public/comm_exec/pubs/sfr/083-12.pdf))

## MEETING RECORD OF JANUARY 16, 2013

### 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 1:04 PM CST. TGPC members then introduced themselves. Representatives from the Department of State Health Services (DSHS) and the Texas Department of Licensing and Regulation (TDLR) were not present at the meeting.

### 2. SUBCOMMITTEE REPORTS

#### Agricultural Chemicals

Joe Peters (TCEQ) reported that the TGPC Agricultural Chemicals Subcommittee had not met since the last TGPC meeting.

#### Data Management

Janie Hopkins (TWDB) reported that the TGPC Data Management Subcommittee had not met since the last TGPC meeting, but that a 10-year-old Subcommittee goal of including over 1,000 small system public water supply raw water analyses in the TWDB Groundwater Database had recently been accomplished.

#### Public Outreach and Education

Kathy McCormack (TCEQ) reported that the TGPC POE Subcommittee last met on December 4, 2012 and six state agencies and organizations were represented.

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:

- Texas A&M AgriLife Extension Service (AgriLife Extension) Water Well Screening Events
  - Three since the previous POE Subcommittee meeting (393 samples)
  - Three planned through April 2013
- AgriLife Extension Abandoned Water Well Closures
  - None since the previous POE Subcommittee meeting
  - None planned at this time
- TGPC Booth
  - Two since the previous POE Subcommittee meeting (560 estimated attendees)
  - Two planned through January 2013

Diane Boellstorff (AgriLife Extension) indicated that Water Well Screening Events would include tests for arsenic and radionuclides beginning in January 2013, and also

noted that Live Oak Groundwater Conservation District (GCD) cost-shares abandoned water well closures.

The TWON schedule of completed, confirmed, tentatively scheduled, obligated, and suggested water well screening events and workshops was also reviewed. Over 1,880 samples have been processed at these events since April 2011. The recently published *TWON Well Owner's Guide to Water Supply* ("TWON Handbook") was also distributed to POE Subcommittee members.

Kathy McCormack (TCEQ) showed mockups of the redesigned TGPC website (home page and an inner page) to POE Subcommittee members.

Guy Fipps (AgriLife Extension) provided the POE Subcommittee with a summary description of evapotranspiration (ET) and a history of ET networks in Texas. The High Plains ET Network was established around 1993 and discontinued in September 2010 due to lack of funding for its 17 weather stations and personnel. However, it has recently received a two-year grant from North High Plains Planning Groups to re-activate its website (among other activities), but no long-term funding is available. The TexasET Network (<http://TexasET.tamu.edu>) began in 1994 and it currently has 27 weather stations; although it is self-funded through revenue from short courses and contracts/grants and depends on local sponsors to cover the costs of the weather stations, there has been an increase in interest from cities and municipal water districts over the past year. Guy Fipps recommended that funding be dedicated for support of a state-wide ET Network and information dissemination program; one approach would be to include evaporation measurements in a state-wide system of environmental monitoring stations (e.g., the Oklahoma Mesonet system, <http://www.mesonet.org/>).

The draft *How is Pesticide Contamination of Private Water Wells Prevented ?* FAQ update was approved by the POE Subcommittee with the changes discussed at the meeting. This update will replace two of the existing pesticide-related FAQs (*How is Pesticide Contamination of Groundwater Prevented in Agricultural Areas ?* and *How is Pesticide Contamination of Groundwater Prevented in Urban Areas ?*).

Diane Boellstorff (AgriLife Extension) reported that two TWON Fact Sheets would be delivered to TSSWCB by December 31, 2012 for review. The POE Subcommittee was asked to review draft versions of these documents prior to December 31, 2012 and provide feedback via email.

It had been suggested that the POE Subcommittee focus on a just few topics in the update of its *TGPC POE Groundwater Educational Outreach Plan* instead of the wide range of topics that were previously addressed (both the *Plan* and its associated *Implementation Strategy* are available at <http://www.tgpc.state.tx.us/subcommittees-POE-POE.php>).

Questions which should be addressed include:

- What is the most important groundwater-related message that needs to be delivered ?
- What is our most important audience ?
- How do we get that message to that audience ?

The POE Subcommittee plans to align its efforts with the recommendations related to the public outreach and education of landowners and local governments in the *Activities and Recommendations of the Texas Groundwater Protection Committee – A Report to the 83rd Legislature*

([http://www.tceq.texas.gov/assets/public/comm\\_exec/pubs/sfr/047\\_12.pdf](http://www.tceq.texas.gov/assets/public/comm_exec/pubs/sfr/047_12.pdf)) which include:

- Abandoned water wells;
- Brush control to increase groundwater yield;
- Texas Well Owner Network;
- Texas High Plains Evapotranspiration Network; and,
- Groundwater quality.

The next POE Subcommittee meeting is scheduled for March 6, 2013.

#### Groundwater Research

Kevin Wagner (AgriLife Research) reported that the TGPC Groundwater Research Subcommittee had not met since the last TGPC meeting.

#### Nonpoint Source

Richard Egg (TSSWCB) reported that the TGPC Nonpoint Source (NPS) Task Force had not met since the last TGPC meeting.

### 3. PRESENTATION

#### The Drought Cycle and Groundwater Chemistry – Barton Springs Segment of the Edwards Aquifer

Barbara Mahler (USGS) summarized recent studies showing that nitrate, a major component of wastewater and a nutrient that can degrade water quality, has shifted upward between 2001 and 2010, even without any direct discharges of treated wastewater to the creeks (<http://pubs.usgs.gov/fs/2011/3035/> and <http://pubs.usgs.gov/sir/2011/5018/>).

### 4. BUSINESS DISCUSSION AND POSSIBLE ACTION

#### Activities and Recommendations of the Texas Groundwater Protection Committee – Report to the 83rd Legislature – Status of Final Report and Delivery to the Legislature

Cary Betz (TCEQ) reported that *Activities and Recommendations of the Texas Groundwater Protection Committee – A Report to the 83rd Legislature* (TCEQ publication SFR-047/12, [http://www.tceq.texas.gov/assets/public/comm\\_exec/pubs/sfr/047\\_12.pdf](http://www.tceq.texas.gov/assets/public/comm_exec/pubs/sfr/047_12.pdf)) was delivered electronically to the Governor, Lieutenant Governor, Speaker of the House, Senate and House Natural Resources Committee Chairmen, and the Senate Intergovernmental

Relations Chairman on December 19, 2012 and hard copies should also have been delivered to the Legislative Library. Hard copies of the report were provided to TGPC members, and one hard copy was on display in the back of the room.

#### Joint Groundwater Monitoring and Contamination Report - 2012 – Format and Content Approval

Abiy Berehe (TCEQ) requested TGPC approval of the draft Table of Contents for the *Joint Groundwater Monitoring and Contamination Report – 2012* (“*Joint Report*”). Kevin Wagner (TAR) proposed, Bridget Scanlon (UTBEG) seconded, and all remaining TGPC members approved the draft Table of Contents and format for the *2012 Joint Report*.

#### Deactivation of Nonpoint Source Task Force

Cary Betz (TCEQ) noted that this topic was discussed at the last TGPC meeting, but action was deferred until it was included as a meeting agenda item. Richard Egg (TSSWCB) proposed, Richard Eyster (TDA) seconded, and all remaining TGPC members approved deactivation of the TGPC Nonpoint Source (NPS) Task Force, with reactivation as deemed necessary by the TGPC. Cary Betz also acknowledged Bill Carter (TCEQ) as the new TCEQ NPS representative to the TGPC. In addition, based on the other two NPS Task Force recommendations given at the previous TGPC meeting, updated Charges for the Data Management and Groundwater Research Subcommittees would be reviewed at the next TGPC meeting.

#### Designation of a Public Information Officer for the TGPC

Cary Betz (TCEQ) reviewed a draft TGPC Public Information Officer Charge (e.g., duties, scope of responsibility, and the process for responding to public information requests) with TGPC members. David Van Dresar (TAGD) proposed, Bridget Scanlon (UTBEG) seconded, and all remaining TGPC members approved the draft TGPC Public Information Officer Charge pending approval of the proposed duties by TGPC’s Legal Counsel. In addition, David Van Dresar (TAGD) proposed, Kevin Wagner (TAR) seconded, and all remaining TGPC members approved appointment of the TCEQ’s Executive Director’s designated representative to the TGPC as the TGPC Public Information Officer.

#### TGPC Records and Records Retention Period

Cary Betz (TCEQ) reviewed four draft TGPC Records Management Division (RMD) 103 Records Inventory Sheets (TCEQ Agency Item # 728, 729, 730, and 731) with TGPC members. TGPC records include meeting records, reports, agency representative designation letters, Open Meeting Act training certificates, website files, *Texas Register* correspondence, and Subcommittee meeting records. The TGPC’s Legal Counsel will also review these forms for completeness and accuracy.

## Set Future Meeting Date

The next TGPC quarterly meeting was scheduled for April 17, 2013 at 1:00 PM CDST.

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

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

Cary Betz (TCEQ) reported that the Impact Evaluation Team (IET) had reviewed 10 groundwater contamination cases in the past quarter, six of which resulted in 37 notifications being mailed to private water well owners.

### Groundwater Management Areas

There was no discussion of this topic at the meeting.

### Regional Water Planning

Janie Hopkins (TWDB) reported that:

- Projections for the Regional Water Planning Groups (RWPGs) will be finalized this spring;
- Contract amendments were recently executed to provide additional funds to the RWPGs for the development of the 2016 Regional Water Plans, and additional tasks were added to the scope of work including development of drought recommendations and identification of possible additional supplies for smaller sole-source entities;
- Modeled Available Groundwater (MAG) values have been made available so that RWPGs can start their evaluations of groundwater supplies in their regions; and,
- New draft mining demands from a study funded by the Texas Oil and Gas Association (TXOGA) and conducted by UTBEG have been released for the RWPGs' consideration.

### Groundwater Availability Modeling

Janie Hopkins (TWDB) reported that:

- With their Rules finalized, TWDB was meeting for policy and implementation of those Rules. The West Texas Bolsons (Presidio and Redford Bolsons) Aquifer Groundwater Availability Modeling (GAM) draft model report was released online for public comment until January 31, 2013 and the stakeholder advisory forum was scheduled for January 17, 2013 in Presidio; and,
- The last of the 76 total MAGs (Leona Gravel in Uvalde County in Groundwater Management Area (GMA) 10) would be delivered to the Board in January 2013.



## Nonpoint Source Pollution

Richard Egg (TSSWCB) reported that:

- The U.S. Environmental Protection Agency (EPA) is revising their Clean Water Act (CWA) Section 319 grant guidelines and the comment period had ended;
- The USDA NRCS is beginning a national water quality initiative by focusing federal, state, and other resources on selected watersheds in 2014; and,
- TSSWCB is reviewing approximately 20 CWA Section 319 grant proposals, and their recommendations will be submitted to U.S. EPA in Spring 2013.

## National Groundwater Initiatives

Peter Pope (RRC) reported that the U.S. EPA had released a progress report on its Study of the Potential Impacts of Hydraulic Fracturing on Drinking Water Resources (<http://www.epa.gov/hfstudy/>). The scope of the research includes five phases in the full lifespan of water used during hydraulic fracturing, and RRC has provided data to, and collected data with, the U.S. EPA for this study. There will be a public discussion with the U.S. EPA Science Advisory Board (SAB) in March 2013, and several technical workshops are also scheduled. A final draft report is expected to be released for public comment and peer review in 2014.

## Drought Status

Cary Betz (TCEQ) referred TGPC members to the most recent U.S. Drought Monitor and TCEQ drought-affected Public Water Supply (PWS) Systems maps. As of January 8, 2013, 96 % of the state was in one of the five drought categories (up from 83 % at the last meeting), and some or likely improvement in drought conditions was forecast only in east Texas through March 2013. As of January 9, 2013, of the 4,680 active community water systems in Texas, 1,027 were affected by drought (either voluntary or mandatory), and 693 of these use groundwater (either exclusively or partially).

Richard Eyster (TDA) added that at the last Drought Preparedness Council meeting approximately 20 public water systems were reported to be within 180 days of running out of water.

## 6. ANNOUNCEMENTS

### Rules Update

Janie Hopkins (TWDB) reported that at their November meeting, after receiving comments in October from numerous Groundwater Conservation Districts (GCDs), the Board considered the repeal of current Rules, as well as the adoption of new Rules, related to groundwater management (31 Texas Administrative Code (TAC), Chapter 356, [http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac\\_view=4&ti=31&pt=10&ch=356](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=4&ti=31&pt=10&ch=356)). The amended Rules primarily clarified definitions in Subchapter A (e.g. “relevant”

aquifer), procedures for submitting Desired Future Conditions (DFCs) in Subchapter C, and criteria related to the adoption of DFCs in Subchapter D.

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

- 2013-010-336-WS – Exemption for Disposal of Radioactive Tracer Material Used in Oil, Gas, and Geothermal Exploration, Development, or Production Operations;
- 2012-040-217-OW – Amendments to 30 TAC Chapter 217: Design Criteria to Domestic Wastewater Systems;
- 2012-038-335-WS – Resource Conservation and Recovery Act (RCRA) Authorization for Federal Rule Clusters XIX – XXI and Financial Assurance, Used Oil, and Manifest Revisions;
- 2012-001-307-OW – Triennial Revision of 30 TAC Chapter 307, Texas Surface Water Quality Standards;
- 2011-057-290-OW – HB 3372, HB 3391, and SB 1073: Rainwater;
- 2009-034-311-OW – Water Quality Management within the Barton Creek and Onion Creek Watersheds;
- 2009-011-321-OW – Revisions to certain Subchapters of 30 Texas Administrative Code (TAC) Chapter 321 related to revised U.S. EPA Concentrated Animal Feeding Operation (CAFO) rules; and,
- 2008-022-213-CE – Edwards Aquifer.

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

#### New Publications

Cary Betz (TCEQ) announced two TCEQ publications:

- *Take Care of Texas* bumper sticker, M-017 (Revised October 2012), <http://www.tceq.texas.gov/publications/m/m-017.html>; and,
- *Dry Cleaning Activities: Report to the 83rd Texas Legislature*, SFR-083/12 (December 2012), [http://www.tceq.texas.gov/assets/public/comm\\_exec/pubs/sfr/083-12.pdf](http://www.tceq.texas.gov/assets/public/comm_exec/pubs/sfr/083-12.pdf).

#### Upcoming Conferences

Cary Betz (TCEQ) referred TGPC members to the conferences listed in the “2013 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”.

Cary Betz (TCEQ) also announced that the TGPC would again be preparing National Groundwater Awareness Week posters for its members. This year’s event is scheduled for March 10 – 16, 2013.

David Van Dresar (TAGD) announced that their Groundwater Day at the Texas Capitol was scheduled for February 27, 2013.

7. PUBLIC COMMENT

There was no public comment.

8. ADJOURN

Cary Betz (TCEQ) adjourned the meeting at approximately 2:46 PM CST.