

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

Meeting Date: July 17, 2013
 Meeting No.: 98

Place: TCEQ Campus, Bldg F
 Room: 2210

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MEETING ATTENDANCE

Committee Members

Cary Betz

Janie Hopkins

Peter Pope

David Villarreal

Richard Egg

David Van Dresar

Kevin Wagner

Bridget Scanlon

David Gunn

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)

Texas Department of Licensing and Regulation

Agency Staff

Chris Moore

Sean Ables

Abiy Berehe

Alan Cherepon

Kathy Humphreys

Peggy Hunka

Isaac Jackson

Paul S. Lewis

Kathy McCormack

Kelly Mills

Joe Peters

L. Scott Underwood

Kristine Uhlman

Affiliation

RRC

TCEQ

TCEQ

TCEQ

TCEQ

TCEQ

TCEQ

TCEQ

TCEQ

TCEQ

TCEQ

TCEQ

UTBEG

Program

Water Supply Division

Water Availability Division

Water Availability Division

Environmental Law Division

Water Availability Division

Intergovernmental Relations Division

Remediation Division

Water Availability Division

Water Availability Division

Water Availability Division

Water Availability Division

Interested Parties

Gary Franklin

Kirk Holland

Kyle Mauro

Affiliation

Barton Springs / Edwards Aquifer Conservation District (BSEACD)

BSEACD

HillCo Partners

MEETING HANDOUTS

1. Agenda for Texas Groundwater Protection Committee meeting on July 17, 2013
2. Record for Texas Groundwater Protection Committee meeting on April 17, 2013
3. Summary of Texas Groundwater Protection Committee (TGPC) Public Outreach and Education (POE) Subcommittee meeting, June 12, 2013
4. Drought 2013 – U.S. Drought Monitor, Texas as of July 9, 2013; U.S. Seasonal Drought Outlook, June – September 2013; Public Water Supply Systems Affected as of July 10, 2013
5. TCEQ Rules Update, July 16, 2013
6. *Take Care of Texas* sticker, TCEQ publication M-053 (April 2013), <http://www.tceq.texas.gov/publications/m/m-053.html>
7. TCEQ 2013 Public Drinking Water Conference program
8. TAGD 2013 Texas Groundwater Summit program
9. 2013 Water-related Conferences in Texas, July 2013

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

1. TGPC Public Information Act Policy
2. *Take Care of Texas* poster, TCEQ publication GI-429 (April 2013), <http://www.tceq.texas.gov/publications/gi/gi-429.html>

MEETING RECORD OF JULY 17, 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 1:06 PM CDST. TGPC members then introduced themselves. The representative from the Department of State Health Services (DSHS) was not present at the meeting. Richard Egg (TSSWCB) announced that he would be retiring at the end of August 2013.

2. SUBCOMMITTEE REPORTS

Agricultural Chemicals

Cary Betz (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 met that morning and discussed databases, the U.S. Department of the Interior's Advisory Committee on Water Information (ACWI) report appendix, screening data, and emerging contaminants.

Cary Betz (TCEQ) indicated that he would solicit TGPC participation in the Data Management Subcommittee.

The next Data Management Subcommittee meeting is scheduled for October 8, 2013.

Public Outreach and Education

Kathy McCormack (TCEQ) reported that the TGPC Public Outreach and Education (POE) Subcommittee last met on June 12, 2013 and eight 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
 - Four since the previous POE Subcommittee meeting (244 samples)
 - Two planned through June 2013
- AgriLife Extension Abandoned Water Well Closures
 - None since the previous POE Subcommittee meeting
 - None scheduled at this time, but planning is underway for two well plugging demonstrations in central Texas (see below)

- TGPC Exhibit Booth
 - Two since the previous POE Subcommittee meeting (1,945 estimated attendees)
 - Five planned through December 2013

Drew Gholson (AgriLife Extension) reported that one of Post Oak Savannah Groundwater Conservation District's (GCD's) abandoned water wells was not a good candidate for a plugging demonstration. Post Oak Savannah GCD's other candidate well in Burleson County (a large-diameter hand-dug well), and an Edwards Aquifer Authority (EAA) well in Hays County, may be more appropriate for plugging demonstrations.

Drew Gholson (AgriLife Extension) reviewed the TWON schedule of completed, confirmed, obligated, and suggested water well screening events and workshops. There have been over 2,665 samples or attendees at these events since April 2011.

The Google Analytics activity report on the TGPC website for March 1 – June 9, 2013 was reviewed by the POE Subcommittee. Compared to the last report (for January 8 – February 28, 2013) covering the debut of the redesigned website, average website visit duration decreased from 2.95 to 2.60 minutes (but this was still greater than the 1.30 minutes observed for the old website during September 17 – November 29, 2012), and average pages per visit continued to increase from 3.14 to 4.48 (compared to 1.43 pages per visit during September 17 – November 29, 2012).

The POE Subcommittee decided to reduce the 11-page Google Analytics activity report to just five pages for future meetings: Audience Overview, external Keywords, internal Keywords, Landing Pages, and most popular Pages.

Diane Boellstorff (AgriLife Extension) reported that the draft TWON *Hazardous Waste and Your Water Well* fact sheet should be available for POE Subcommittee review soon. Alan Cherepon (TCEQ) noted that TDA had recently launched a new water awareness webpage called The Water Source (<http://www.texasagriculture.gov/Home/ProductionAgriculture/TheWaterSource.aspx>) with resources for water, drought, wildfire prevention, and disaster response.

The following Subject Matter Experts (SMEs) provided additional input on the draft *TGPC Groundwater Education Outreach Plan* (“Plan”):

- Abandoned Water Wells – David Van Dresar (TAGD) and Drew Gholson (AgriLife Extension);
- Texas Well Owner Network – Diane Boellstorff (AgriLife Extension) and Drew Gholson (AgriLife Extension); and,
- Water Supply Enhancement Program – Aaron Wendt (TSSWCB).

The Texas Evapotranspiration Networks SME, Guy Fipps (AgriLife Extension), was not able to provide additional input prior to the meeting. A final draft of the *Plan* will be reviewed at the next POE Subcommittee meeting.

The next POE Subcommittee meeting is scheduled for September 10, 2013.

Groundwater Research

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

3. PRESENTATION

Agency Legislative Roundtable Discussion – Committee Members Will Discuss Groundwater Legislation Passed by the 83rd Legislature and Its Effect on Their Respective Agencies

The following representatives reported on 83rd Legislature bills that affected their agency or organization:

- Isaac Jackson (TCEQ):
 - House Bill (HB) 1600 – Transfers responsibility for regulating water and wastewater rates, services, and certificates of convenience and necessity from TCEQ to the Public Utility Commission of Texas (PUC), effective September 1, 2014. Authorizes the Office of Public Utility Counsel to represent the interests of residential and small commercial customers in water and wastewater proceedings beginning September 1, 2013.
 - HB 252 – Retail public utilities and wholesale water providers shall notify TCEQ if they are reasonably certain that their water supply will be available for less than 180 days.
 - SB 293 – Authorizes water districts whose territory includes land in three or more counties to hold a meeting by telephone or video conference call if the meeting is a special called meeting and immediate action is required, and the convening of a quorum at one location is difficult or impossible.
 - SB 1532 – Relating to the power of TCEQ to authorize certain injection wells that transect or terminate in the Edwards Aquifer.
 - HB 1079 – Relating to procedural requirements for action by TCEQ on applications for production area authorizations; Chapter 27, Water Code, is amended to exempt certain applications related to uranium from the contested case hearing process. A uranium mining application must incorporate certain information relating to groundwater quality.
- Jeremy Mazur (TWDB):
 - Senate Joint Resolution (SJR) 1 – Proposes to amend the Texas Constitution to create two funds for financing water plan projects. The first is the State Water Implementation Fund for Texas (SWIFT), which may be used to provide bond enhancement agreements or direct loans to finance water plan projects. The other fund is the State Water Implementation Revenue Fund for Texas (SWIRFT). This fund would provide the authority to issue revenue bonds, supported by SWIFT assets, to finance water plan projects.
 - HB 4 – Restructures TWDB from six, part-time members to three, full-time members appointed by the Governor and includes the general law changes for implementing the SWIFT proposed by SJR 1 (key provisions include Rural and Conservation Set Asides, Water Project Prioritization, a SWIFT Advisory

- Committee, Bond Enhancement Agreements, Mitigation of Federal Laws, Buy America Provisions, and Engineering Review).
- HB 1025 – Appropriates \$2 billion from the economic stabilization fund to SWIFT upon SJR 1 approval.
 - SB 1282 – Extends the deadline for the submission of proposals for the adoption of Desired Future Conditions (DFCs) for relevant aquifers within a Groundwater Management Area (GMA) from September 1, 2013 to May 1, 2016.
 - HB 857 – Requires all retail public utilities providing potable water to provide annual water loss audits to TWDB. Utilities with 3,300 connections or less that do not receive financial assistance from TWDB are not required to submit an annual water loss audit. These utilities are still required to submit their water loss audits every five years.
 - HB 1461 – Requires retail public utilities to notify their customers of their water loss audit results. Notification may be provided on customers’ billing statements or within the utility’s annual Consumer Confidence Report (CCR).
 - HB 3605 – Requires a retail public utility applying for financial assistance from TWDB to use a portion of that financial assistance to mitigate water losses if the amount of losses identified exceeds the threshold determined by Board rule. The bill further requires that TWDB, when passing on an application for financial assistance from a retail public utility that provides potable water to 3,300 or more connections, evaluate the applicant’s water conservation plan for compliance with the TWDB’s best management practices, and issue a report to the utility detailing the results of the evaluation.
 - HB 3604 – Clarifies that a person or utility shall implement their water conservation plan and drought contingency plan, as applicable, upon receipt of state or local drought disaster notification. Authorizes TWDB to notify TCEQ if a person or entity has not implemented their required conservation or contingency plan upon receipt of state or local drought disaster notification. Provides that a person’s or utility’s failure to implement the required conservation or contingency plan may be subject to TCEQ enforcement.
 - Peter Pope (RRC):
 - HB 7 – Directs fees related to surface casing determination letters to the Oil and Gas Regulatory and Cleanup (OGRC) Fund and authorizes OGRC funds to be used for certain types of geologic and surface casing data studies.
 - HB 3309 – Raises the cap on the OGRC Fund to \$30 million and expands the scope of the OGRC Fund to include the RRC Groundwater Advisory Unit.
 - HB 2767 – Establishes who owns treated or re-treated fluid oil and gas waste intended for beneficial reuse (which will facilitate on-site fluid recycling) and clarifies that a conveyance of fluids to an on-site recycler is not a transfer.
 - David Villarreal (TDA) reported that HB 4 would support his agency’s Water Smart program.
 - David Gunn (TDLR) reported that two proposed groundwater-related bills that could have affected his agency were not approved.
 - Kevin Wagner (AgriLife Research) reported that the Texas Engineering Experiment Station, AgriLife Research, and AgriLife Extension submitted a joint Exceptional

Item Request (EIR) entitled Advancements in Water Resources Management and received \$3 million for several projects.

- Richard Egg (TSSWCB) reported that there had been no groundwater-related legislation that directly affected his agency, but some of the bills related to water conservation may affect his agency in the future.
- David Van Dresar (TAGD) reported that a few local bills affected some GCDs and that his organization would be affected by SB 1282 and HB 4. Kirk Holland (TAGD) added that his organization had provided testimony on long-term permitting, brackish groundwater development (desalination or Aquifer Storage and Recovery), and oil and gas exemption (fracing exploration vs. operation). Kelly Mills (TCEQ) noted that two new GCDs were created during this Legislative session – Deep East Texas GCD and Reeves County GCD.
- Bridget Scanlon (UTBEG) reported that there had been no groundwater-related legislation that directly affected her organization.

Cary Betz (TCEQ) reported that the TGPC had not received any response to the recommendations in the *Activities and Recommendations of the Texas Groundwater Protection Committee – A Report to the 83rd Legislature* (“*TGPC Legislative Report*”, http://www.tceq.texas.gov/assets/public/comm_exec/pubs/sfr/047_12.pdf) and no changes were made to the Texas Water Code related to the TGPC. In response to a question from Peter Pope (RRC), Cary Betz noted that the TGPC is specifically charged with advising the Legislature and could submit a report during the interim session, if needed.

4. BUSINESS DISCUSSION AND POSSIBLE ACTION

Texas Groundwater Protection Strategy – Texas Groundwater Classification

Cary Betz (TCEQ) reported that although the TGPC had not received any guidance from the 83rd Legislature related to the development of future groundwater protection strategies, he felt that the *Texas Groundwater Protection Strategy* (“*Strategy*”, http://www.tceq.state.tx.us/assets/public/comm_exec/pubs/as/188.pdf) should be updated, and he suggested that a) the measures needed to protect the quality (and incidentally, the quantity) of Texas groundwater should be determined, and b) the current Texas groundwater classification system should be reviewed.

Richard Egg (TSSWCB) suggested that a legislative advocate for the TGPC would be helpful. Peter Pope (RRC) supported the idea of a TGPC legislative liaison and also suggested that state agencies interested in becoming TGPC members should approach the Legislature themselves.

Cary Betz (TCEQ) noted that the TGPC had recently been contacted by the Legislative Budget Board (LBB) seeking suggestions for research topics for the 84th Legislature and that he had provided the LBB analyst with the *TGPC Legislative Report*. David Villarreal (TDA) reported that issues facing other Legislatively-mandated committees are driven by the Chair agency. David Villarreal also thought that the

updated *Strategy* should include a list of native species that need to be protected from poor levels of groundwater quality, a list of emerging groundwater contaminants, and a discussion of groundwater border issues.

David Van Dresar (TAGD) felt that an updated groundwater classification system is essential for identifying various conservation and protection strategies for the different groundwater quality sources. Peter Pope (RRC) pointed out that they have a definition for “usable quality water” which they would not want to conflict with anything developed by the TGPC. Kelly Mills (TCEQ) noted that the TGPC’s annual *Joint Groundwater Monitoring and Contamination Report* (2012 report available at <http://www.tceq.texas.gov/publications/sfr/056>) has a discussion of the groundwater classification system, TCEQ’s Texas Risk Reduction Program (TRRP) to protect underground sources of drinking water, and the RRC’s Cleanup Fund Program.

Bridget Scanlon (UTBEG) suggested that a cost-benefit analysis be included for all *Strategy* recommendations.

TGPC members agreed to meet on September 10, 2013 at 9:00 AM CDST for a *Strategy* Work Session.

Set Future Meeting Date

The next TGPC quarterly meeting was scheduled for October 16, 2013 at 1:00 PM CDST.

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 reviewed nine cases in the last quarter and sent out 67 letters.

Groundwater Management Areas

David Van Dresar (TAGD) did not have any new information to report on GMAs.

Regional Water Planning

Janie Hopkins (TWDB) did not have any new information to report on regional water planning.

Groundwater Availability Modeling

Janie Hopkins (TWDB) reported that:

- Staff are developing Total Estimates of Recoverable Storage (TERS), as directed by statute from the last legislative session, and have completed estimates for GMAs 13 and 16;
- A request for negotiating a contract for a Brazos River Alluvium Aquifer model would be submitted to the Board in July 2013 (\$540,135);
- Three research contracts are scheduled to be completed in 2013 on the geochemistry in GMAs (a) 3 and 7, (b) 11,12, and 13, and (c) 14, 15, and 16;
- Two contracts are scheduled to be completed in 2015: one to develop a model of the High Plains Aquifer System in the Panhandle that would combine the northern and southern Ogallala, Edwards-Trinity (High Plains), Rita Blanca, Dockum, and Pecos Valley Aquifers, and one for an educational video on groundwater in Texas; and,
- Staff are working on, or have been assigned projects for, developing models for a) the eastern arm of the Capitan Reef Complex Aquifer, b) Llano Uplift aquifers (Hickory, Marble Falls, and Ellenburger-San Saba), c) Blossom Aquifer, and d) Marathon Aquifer.

Nonpoint Source Pollution

Richard Egg (TSSWCB) reported that the TCEQ Clean Water Act (CWA) Section 319 Request for Proposals (RFPs) is open until July 31, 2013, and that the TSSWCB CWA Section 319 RFPs will be announced in September 2013. In addition, the TSSWCB Water Quality Management Plan Program (<http://www.tsswcb.texas.gov/en/wqmp>) has undergone a major revision that will roll out in September 2013.

National Groundwater Initiatives

Cary Betz (TCEQ) reported that the U.S. Department of the Interior's ACWI Subcommittee on Ground Water's (SOGW's, <http://acwi.gov/sogw/>) National Groundwater Monitoring Network framework document is still under revision. Cary Betz also reported that he and Kelly Mills (TCEQ) had attended the Ground Water Protection Council (GWPC) Stray Gas Incidence & Response Forum in Grapevine, Texas on July 9 – 11, 2013 which provided good information on hydraulic fracturing and the sources of stray gas occurrence in groundwater.

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 July 9, 2013, 99 % of the state was in one of the five drought categories (the same as the last meeting), with drought removal or improvement likely for the eastern half of the state through September 2013. As of July 10, 2013, of the 4,663 active community water systems in Texas, 988 were affected by drought (either voluntary or mandatory), and 644 of these use groundwater (either exclusively or partially).

6. ANNOUNCEMENTS

Rules Update

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

- 2013-053-331-WS – SB 1532: Authorizing Certain Injection Wells in the Edwards Aquifer;
- 2013-047-290-OW – HB 1814 (82nd R.S.) and HB 252, HB 1973, and SB 1086: Drought and Fire Flow;
- 2013-043-290-OW – HB 2781: Rainwater Harvesting;
- 2013-035-114-AI – HB 2305: Chapter 114 I/M Rulemaking;
- 2013-033-PET-NR – Follow-up with COMM on Rulemaking Petition on Land Application of Sewage Sludge;
- 2013-029-336-WS – Uranium Soil Concentration Standard;
- 2013-025-317-LS – Reproposal of 30 TAC Chapter 317: Design Criteria for Sewage Systems;
- 2013-020-PET-NR – Follow-up with COMM on Tarrant Regional Water District Petition;
- 2013-019-007-LS – TxDOT and TCEQ MOU: Environmental Reviews;
- 2012-040-217-OW – Amendments to 30 TAC Chapter 217: Design Criteria to Domestic Wastewater Systems;
- 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 one TCEQ publication:

- *Take Care of Texas sticker*, M-053 (April 2013), <http://www.tceq.texas.gov/publications/m/m-053.html>.

Janie Hopkins (TWDB) announced that Technical Notes (http://www.twdb.texas.gov/publications/reports/technical_notes/index.asp) are a new informal publication series.

David Villarreal (TDA) announced that nominations for the Water Conservation Advisory Council (<http://www.savetexaswater.org/>) 2013 Agricultural Blue Legacy Award were open.

Alan Cherepon (TCEQ) announced that the United States Geological Society (USGS) had updated pesticide use maps and would present on this topic at the next TGPC Agricultural Chemicals Subcommittee meeting.

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) welcomed TGPC member agency assistance with staffing shifts in the TGPC exhibit booth at the TCEQ Public Drinking Water Conference on August 6 – 7, 2013. Cary Betz also noted the upcoming GWPC Annual Forum in St. Louis, Missouri on September 22 – 25, 2013.

7. PUBLIC COMMENT

There was no public comment.

8. ADJOURN

Cary Betz (TCEQ) adjourned the meeting at approximately 2:57 PM CDST.