

TEXAS GROUNDWATER PROTECTION COMMITTEE
RECORD OF MEETING
 Third Quarterly Meeting, Fiscal Year 2014

Meeting Date: April 23, 2014
 Meeting No.: 104

Place: TCEQ Campus, Bldg F
 Room: 2210

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MEETING ATTENDANCE

Committee Members

Cary Betz

Janie Hopkins

Chris Moore

David Villarreal

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 A&M AgriLife Research (AgriLife Research)

University of Texas Bureau of Economic Geology (UTBEG)

Texas Department of Licensing and Regulation (TDLR)

Agency Staff

Abiy Berehe

Bill Carter

Alan Cherepon

Kathy Humphreys

Peggy Hunka

Paul S. Lewis

Kathy McCormack

Joe Peters

Affiliation

TCEQ

TCEQ

TCEQ

TCEQ

TCEQ

TCEQ

TCEQ

TCEQ

Program

Water Availability Division

Water Quality Planning Division

Water Availability Division

Environmental Law Division

Water Availability Division

Remediation Division

Water Availability Division

Water Availability Division

Interested Parties

Mark Cross

Valerie Ehrardt

Lynne Fahlquist

Charlie Flatten

Kyle Mauro

Jessica Oney

Shelley Ross

Jill Savony

Affiliation

Texas Division of Emergency Management (TDEM)

TDEM

United States Geological Survey (USGS)

Hill Country Alliance

HillCo Partners

Luminant

Kelly Hart & Hallman, LLP

MEETING HANDOUTS

1. Agenda for Texas Groundwater Protection Committee meeting on April 23, 2014
2. Record for Texas Groundwater Protection Committee meeting on January 15, 2014
3. Summary of Texas Groundwater Protection Committee (TGPC) Public Outreach and Education (POE) Subcommittee meeting, March 5, 2014
4. *What Are the Different Terms Used to Describe Abandoned and Deteriorated Water Wells ?* Frequently Asked Question (FAQ)
5. Proposed Rule Reviews, Texas Groundwater Protection Committee
6. Texas Groundwater Protection Committee, Chapter 601 – Groundwater Contamination Report, 2014 Amendments
7. Texas Groundwater Protection Committee Subcommittee Charges (Agricultural Chemicals, Data Management, Public Outreach and Education, Groundwater Research, Legislative Report, and Nonpoint Source)
8. *Activities and Recommendations of the Texas Groundwater Protection Committee – Report to the 83rd Legislature*,
https://www.tceq.texas.gov/assets/public/comm_exec/pubs/sfr/047_12.pdf (TGPC members only)
9. Draft *Texas Groundwater Protection Strategy* outline (TGPC members only)
10. *Managing Nonpoint Source Pollution in Texas: 2013 Annual Report*, SFR-066/13,
http://www.tceq.texas.gov/assets/public/comm_exec/pubs/sfr/066-13.pdf
11. Drought 2014 – U.S. Drought Monitor, Texas, April 15, 2014; U.S. Seasonal Drought Outlook, April – July 2014; Public Water Supply Systems Affected, April 16, 2014; TCEQ List of Texas Public Water Systems (PWSs) Limiting Water Use to Avoid Shortages, April 10, 2014
12. TCEQ Rules Update, 4/22/2014
13. TGPC Counter at TCEQ Environmental Trade Fair (ETF) announcement (TGPC members only)
14. 2014 TCEQ Environmental Trade Fair & Conference program
15. 2014 Water-related Conferences in Texas, April 2014

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

1. TGPC Public Information Act Policy
2. TGPC National Groundwater Awareness Week, March 9 – 15, 2014 poster

MEETING RECORD OF APRIL 23, 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 1:05 PM CDST. TGPC members then introduced themselves.

2. SUBCOMMITTEE REPORTS

Agricultural Chemicals

Joe Peters (TCEQ) reported that the Agricultural Chemicals Subcommittee met that morning, and that Janie Hopkins (TWDB), Co-Chair of the Site Selection Task Force, had indicated that they were planning on sampling approximately 350 wells in the Carrizo-Wilcox, Seymour, Sparta, Yegua Jackson, Lipan, and Queen City Aquifers, plus possibly one or two other aquifers. In addition, they plan on sampling for ethane at some sites this year for the first time.

Alan Cherepon (TCEQ), Co-Chair of the Site Selection Task Force, had indicated that TCEQ sampling this year would take place in late May or early to mid-June, mostly revisiting sites in the Panhandle.

Peter Van Metre (USGS) gave a presentation showing various pesticide usage maps and discussed how they were derived using proprietary data combined with crop information.

The Agricultural Chemicals Subcommittee's Charge was also discussed, and members decided to propose to the main Committee that:

- The focus of the Subcommittee should be expanded beyond agricultural chemicals for a one-year trial period;
- The Subcommittee should be renamed the Groundwater Contaminants Subcommittee;
- The Subcommittee should continue to meet twice a year; and,
- Additional Subcommittee members should be discussed, proposed, and invited to participate.

Cary Betz (TCEQ) announced that Joe Peters (TCEQ) would be retiring at the end of June 2014 and presented him with a small plaque of appreciation for his long-standing service to the TGPC.

Data Management

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

Public Outreach and Education

Kathy McCormack (TCEQ) reported that the TGPC POE Subcommittee last met on March 5, 2014 and 10 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
 - One since the previous POE Subcommittee meeting (26 samples)
 - Four planned through October 2014
- AgriLife Extension Abandoned Water Well Closures
 - None since the previous POE Subcommittee meeting
 - None scheduled at this time
- TGPC Exhibit Booth
 - One since the previous POE Subcommittee meeting (25 estimated attendees)
 - One planned through March 2014

Drew Gholson (AgriLife Extension) reviewed the TWON schedule of completed, confirmed, obligated, and suggested water well screening events and workshops. There have been over 3,679 samples or attendees at these events since April 2011. Diane Boellstorff (AgriLife Extension) reported that post-TWON training surveys indicate that approximately half of the workshop attendees with abandoned water wells had subsequently plugged or capped them.

The Google Analytics activity report on the TGPC website for December 3, 2013 – March 2, 2014 was reviewed. The average website visit duration was 1.5 minutes, and the average pages per visit was 3.5.

Cindy Ridgeway (TWDB) gave a brief presentation regarding their efforts to produce four educational groundwater-related videos:

- Aquifers in Texas
- How Do Aquifers Work
- Groundwater Budget Availability Models
- Using Groundwater Availability Models In Water Planning

Final drafts of the videos are due by April 2014, and they will then be made available to the public. The POE Subcommittee watched the first draft video and provided feedback.

Conrad Schaefer (TCEQ) reviewed a draft interactive, online map of Groundwater Conservation Districts (GCDs) in the state with cost-share programs for plugging abandoned water wells. The final version of the web map will be made available through the TGPC Water Wells webpage (<http://www.tgpc.state.tx.us/WaterWells.php>). The POE Subcommittee provided feedback on the web map, and an updated version will be presented at the next meeting.

Diane Boellstorff (AgriLife Extension) thanked POE Subcommittee members for their feedback on two draft TWON fact sheets: 1) *What to do if Coliform Bacteria are Present in a Well Water Sample*, and 2) *Managing Fertilizers to Protect Groundwater Quality*. Diane Boellstorff also indicated that a draft TWON fact sheet related to identifying an abandoned water well may be available for POE Subcommittee review before the next meeting.

The draft *What are the Different Terms Used to Describe Abandoned and Deteriorated Water Wells ?* Frequently Asked Question (FAQ) was reviewed and POE Subcommittee members approved it with the changes discussed at the meeting. After receiving TGPC approval at the April 23, 2014 meeting, it will be posted on the TGPC FAQ webpage (<http://www.tgpc.state.tx.us/FAQs.php>).

The next POE Subcommittee meeting was scheduled for June 10, 2014.

Groundwater Research

Kevin Wagner (AgriLife Research) reported that the TGPC Groundwater Research Subcommittee met that morning and had nine attendees. Discussion topics included:

- Updates to Chapter VI of the *Texas Groundwater Protection Strategy* (http://www.tceq.state.tx.us/assets/public/comm_exec/pubs/as/188.pdf) entitled “Research to Improve Groundwater Management”;
- Legislative recommendations regarding groundwater research in support of policy decisions and public awareness campaigns;
- Priority groundwater research needs (e.g., fate and transport of pharmaceuticals and personal care products in groundwater, biological contamination of groundwater, groundwater-dependent endangered species, and siting characteristics for aquifer storage and recovery);
- Restructuring the Groundwater Research Subcommittee by adding new member institutions; and,
- Scheduling a larger annual meeting and inviting a wider audience of groups performing groundwater-related research.

Legislative Report

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

3. PRESENTATION

There was no scheduled presentation at the meeting.

4. BUSINESS DISCUSSION AND POSSIBLE ACTION

What are the Different Terms Used to Describe Abandoned and Deteriorated Water Wells ? FAQ

Cary Betz (TCEQ) presented the *What are the Different Terms Used to Describe Abandoned and Deteriorated Water Wells ?* FAQ to the TGPC members. Chris Moore (RRC) proposed, Bridget Scanlon (UTBEG) seconded, and all remaining TGPC members approved the FAQ. The FAQ would be posted on the TGPC FAQ webpage, <http://www.tgpc.state.tx.us/FAQs.php>.

Quadrennial Rules Review and Amendment to 31 TAC Chapter 601, Groundwater Contamination Report

Kathy Humphreys (TCEQ) reviewed two handouts with TGPC members (Proposed Rule Reviews and Texas Groundwater Protection Committee, Chapter 601 – Groundwater Contamination Report, 2014 Amendments) and reported that the TGPC was created by the 71st Legislature in 1989 to bridge gaps between existing state groundwater programs and to optimize water quality protection by improving coordination among agencies involved in groundwater activities. Because the TGPC is a legislatively-created committee, the TGPC must comply with all of the rules relating to governmental entities, including rulemaking. Kathy Humphreys recommended that the TGPC approve the publication of two proposed rules in the *Texas Register*:

- Amendments to Texas Administrative Code (TAC) Title 31 Chapter 601.2 to clarify four TGPC member agency names:
 - Adding “Texas” for the correct name of Texas Department of State Health Services;
 - Removing “Agricultural Experiment Station” and adding “A&M AgriLife Research” for the correct name of Texas A&M AgriLife Research;
 - Adding “Texas” for the correct name of Texas State Soil and Water Conservation Board; and,
 - Removing the second “Water Well” for the correct name of Water Well Drillers and Pump Installers Program of the Texas Department of Licensing and Regulation.
- Texas Government Code Chapter 2001.039 requires state agencies to review and consider for re-adoption each of their rules every four years. The review must include an assessment of whether the reasons for the rules continue to exist. The Proposed Rule Review preliminarily determines that the reasons for the rules in Chapter 601 continue to exist and they should be re-adopted.

Kevin Wagner (TAR) proposed, David Gunn (TDLR) seconded, and all remaining TGPC members approved:

- Publication of a notice of the TGPC’s intention to amend their rules to clarify four TGPC member agency names and to re-adopt their rules in the *Texas Register* on May 9, 2014; and,

- TCEQ staff to make any non-substantive revisions necessary to comply with *Texas Register* requirements.

Public comment will be due by June 9, 2014, and the TGPC will vote on re-adoption of their Rules at the next TGPC meeting.

Restructuring of TGPC Subcommittees

Cary Betz (TCEQ) presented TGPC members with the current TGPC Subcommittee Charges (Agricultural Chemicals, Data Management, Public Outreach and Education, Groundwater Research, Legislative Report, and Nonpoint Source). Discussion items included:

- A review of the Subcommittees that existed within the TGPC’s predecessor organization (the Ground Water Protection Committee);
- Keeping the Legislative Report Subcommittee active all the time and to include all TGPC publications in its scope;
- Expanding the Agricultural Chemicals Subcommittee scope to include all groundwater contaminants;
- Along with the Nonpoint Source Task Force, assigning the Data Management Subcommittee as a Task Force within the “Groundwater Contaminants” Subcommittee; and,
- Expanding the Groundwater Research Subcommittee membership to include, for example, representatives from the Legislative Budget Board or the Texas Comptroller of Public Accounts.

Kevin Wagner (TAR) proposed, Janie Hopkins (TWDB) seconded, and all remaining TGPC members approved directing TCEQ staff to draft updated TGPC Subcommittee Charges for discussion and possible action at the next TGPC meeting.

Activities and Recommendations of the Texas Groundwater Protection Committee – Report to the 84th Legislature

Cary Betz (TCEQ) referred TGPC members to the previous edition of the *Activities and Recommendations of the Texas Groundwater Protection Committee* (“*Legislative Report*”, https://www.tceq.texas.gov/assets/public/comm_exec/pubs/sfr/047_12.pdf). TGPC members agreed to meet on June 2, 2014 at 10:00 AM CDST for a TGPC Legislative Report Subcommittee meeting.

Texas Groundwater Protection Strategy

Cary Betz (TCEQ) referred TGPC members to a draft outline of the *Texas Groundwater Protection Strategy* (“*Strategy*”, http://www.tceq.state.tx.us/assets/public/comm_exec/pubs/as/188.pdf) update. As per feedback at the last *Strategy* Work Session, key recommendations would be listed near the front of the document, followed by results from the previous edition of the *Strategy* (accomplishments, failures, efforts, and obstacles). TGPC members agreed to meet on

June 2, 2014 at 1:30 PM CDST for another *Strategy Work Session*. Cary Betz indicated that a draft document would be sent to TGPC members within the next two weeks, and TGPC members should bring their edits to the next *Strategy Work Session*.

Chris Moore (RRC) left at 2:03 PM CST, returned at 2:06 PM CST, and was present for the remainder of the meeting.

David Gunn (TDLR) left at 2:07 PM CST, returned at 2:09 PM CST, and was present for the remainder of the meeting.

Current Groundwater Issues

Cary Betz (TCEQ) noted that there have been some recent publications regarding the economic impact of protecting endangered species. Bridget Scanlon (UTBEG) thought that the Texas Comptroller of Public Accounts had current Request for Proposals (RFPs) on this subject, and noted that several groups are sampling methane in aquifers in the state. Groundwater usage for fracking vs. irrigation was also discussed.

Set Future Meeting Date

The next TGPC quarterly meeting was scheduled for July 16, 2014 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 met three times during the last quarter and reviewed three groundwater contamination cases. For two of the cases, nine letters were mailed to private drinking water well owners. Twenty-one letters from the April 1, 2014 case would be mailed by May 1, 2014.

Groundwater Management Areas

There was no discussion of this topic at the meeting.

Regional Water Planning

Janie Hopkins (TWDB) reported that:

- Regional Water Planning Groups (RWPGs) are prioritizing the projects as required by House Bill 4. Draft prioritizations are due by June 1, 2014 and a final list is due by September 1, 2014; and,
- Technical memoranda need to be submitted by RWPGs by August 1, 2014. This will represent all demand, supply, and needs information for each Regional Water Planning Area.

David Villarreal (TDA) left at 2:33 PM CST, returned at 2:37 PM CST, and was present for the remainder of the meeting.

Groundwater Availability Modeling

Janie Hopkins (TWDB) reported that:

- They have reviewed the USGS Houston Area Groundwater Model (Version 1.1, https://www.twdb.state.tx.us/groundwater/models/gam/glfc_n/HAGM.SIR.Version1.1.November2013.pdf) and concluded that it represents an improvement over the existing groundwater availability model (for the northern portion of the Gulf Coast Aquifer System) and should be used for water supply planning for all of Groundwater Management Area (GMA) 14; and,
- The refined Groundwater Availability Model (GAM) for the Seymour Aquifer in Knox, Haskell, and Baylor counties, which was based largely on the conceptual model developed by INTERA, was completed in early 2014.

Nonpoint Source Pollution

Bill Carter (TCEQ) reported that the *Managing Nonpoint Source Pollution in Texas: 2013 Annual Report* (SFR-066/13, http://www.tceq.texas.gov/assets/public/comm_exec/pubs/sfr/066-13.pdf) had been published.

National Groundwater Initiatives

Cary Betz (TCEQ) reported that the outreach campaign for the National Groundwater Monitoring Network framework document continues via their network portal, more states are getting involved with the program, and there may be a U.S. Department of the Interior Advisory Committee on Water Information (ACWI) Subcommittee on Ground Water (SOGW, <http://acwi.gov/sogw/>) meeting later this year.

Lynne Fahlquist (USGS) reported that they had completed sampling Public Water Supply (PWS) wells in the Gulf Coast Aquifer (including Texas) through the National Water Quality Assessment (NAWQA) program and the report should be available by the end of 2014. They plan to collect data from PWS wells in the Rio Grande Alluvium Aquifer (including a small area in Texas) by the end of September 2014, and they plan to collect PWS well data in the High Plains Aquifer in Fiscal Year 2015. The USGS has also started a special study of PWS wells in the Edwards Aquifer.

Drought Status

Cary Betz (TCEQ) referred TGPC members to the most recent U.S. Drought Monitor and TCEQ drought-affected PWS Systems maps and the TCEQ List of Texas PWSs Limiting Water Use to Avoid Shortages (aka, the “180-day list”). As of April 15, 2014, 82 % of the state was in one of the five drought categories (up from 71 % at the last meeting), and drought conditions were forecast to persist or intensify in the central and panhandle

portions of the state through July 2014. As of April 16, 2014, of the 4,639 active community water systems in Texas, 1,145 were affected by drought (either voluntary or mandatory), and 757 of these use groundwater (either exclusively or partially). As of April 10, 2014, 50 PWSs in the state could be out of water in 180 days or less.

6. ANNOUNCEMENTS

Rules Update

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

- 2014-020-305-OW – Construction Stormwater Effluent Limitation Guideline Revisions;
- 2014-019-335-WS – RCRA Rule Project for Parts of EPA Clusters XXI – XXIII;
- 2014-010-312-OW – Amendments to Chapter 312: Sludge Use, Disposal, and Transportation;
- 2014-006-311-OW – Amendments to Chapter 311 Subchapter G: Watershed Protection;
- 2013-058-331-WS – HB 1079: Class III UIC Area Permits;
- 2013-055-295-OW – HB 3233: Interbasin Transfers of Surface Water;
- 2013-053-331-WS – SB 1532: Authorizing Certain Injection Wells in the Edwards Aquifer;
- 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;
- 2011-019-305-OW – Basin Permitting (30 TAC §305.71);
- 2009-034-311-OW – Water Quality Management within the Barton Creek and Onion Creek Watersheds;
- 2009-011-321-OW – Revisions to 30 TAC Chapter 321 Related to Revised EPA CAFO Rules; 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

Cary Betz (TCEQ) announced two TCEQ publications:

- *Managing Nonpoint Source Pollution in Texas: 2013 Annual Report*, SFR-066/13 (new January 2014), http://www.tceq.texas.gov/assets/public/comm_exec/pubs/sfr/066-13.pdf; and,
- *Rainwater Harvesting*, GI-404 (revised January 2014), <http://www.tceq.texas.gov/publications/gi/gi-404.html>.

Lynne Fahlquist (USGS) announced two USGS publications:

- *Trend Analysis and Selected Summary Statistics of Annual Mean Streamflow for 38 Selected Long-Term U.S. Geological Survey Streamgages in Texas, Water Years 1916 – 2012*, <http://pubs.usgs.gov/sir/2013/5230/>; and,
- *A Historical Perspective on Precipitation, Drought Severity, and Streamflow in Texas during 1951–56 and 2011*, <http://pubs.usgs.gov/sir/2013/5113/>.

Janie Hopkins (TWDB) announced that the Water Data for Texas website (<http://www.waterdatafortexas.org/reservoirs/statewide>) which provides information on reservoir levels and drought now also includes groundwater data (<http://www.waterdatafortexas.org/groundwater/>).

Upcoming Conferences

Cary Betz (TCEQ) referred TGPC members to the conferences listed in the “2014 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 sponsoring an exhibit (this year it will be a counter in the main TCEQ Water kiosk) at the TCEQ Environmental Trade Fair on May 6 – 7, 2014 and requested TGPC member assistance with staffing this annual outreach effort.

7. PUBLIC COMMENT

There was no public comment.

8. ADJOURN

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