

TEXAS GROUNDWATER PROTECTION COMMITTEE
RECORD OF MEETING
 First Quarterly Meeting, Fiscal Year 2009

Meeting Date: October 29, 2008
 Meeting No.: 79

Place: TCEQ Campus, Bldg F
 Room: 2210

TABLE OF CONTENTS

MEETING ATTENDANCE	2
MEETING HANDOUTS.....	3
MEETING RECORD OF OCTOBER 29, 2008	4
1. CALL TO ORDER AND INTRODUCTIONS	4
2. SUBCOMMITTEE REPORTS.....	4
Agricultural Chemicals	4
Data Management	4
Public Outreach and Education.....	5
Groundwater Research.....	7
Legislative Report.....	8
3. PRESENTATION.....	8
Groundwater Protection and Uranium Mining in South Texas	8
4. BUSINESS DISCUSSION AND POSSIBLE ACTION.....	8
Texas Groundwater Protection Strategy – Continue Discussion of the Update	8
Report to the Legislature – Discussion of Final Report Text, Approval of Final Report, and Discussion of Timetable for Completion of Final Report and Delivery to the Legislature.....	8
Ethics Policy	9
Set Future Meeting Dates.....	9
5. INFORMATION EXCHANGE FOR GROUNDWATER-RELATED ACTIVITIES – STATUS UPDATE	10
Groundwater Contamination Notice Coordination (HB 3030, 78th Legislature) – TCEQ	10
Groundwater Management Areas – TWDB, TAGD	10
Regional Water Planning – TWDB	10
Groundwater Availability Modeling – TWDB	10
Nonpoint Source Pollution – All Agencies.....	10
National Groundwater Initiatives – All Agencies.....	11
Drought Status – All Agencies	11
6. ANNOUNCEMENTS.....	12
Rules Update.....	12
New Publications	12
Upcoming Conferences.....	13
7. PUBLIC COMMENT	13
8. ADJOURN.....	13

MEETING ATTENDANCE

Committee Members

Cary Betz

Robert Mace

Leslie Savage

Richard Eyster

Donna Long

Kirk Holland

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)

University of Texas Bureau of Economic Geology (UTBEG)

Agency Staff

Lauren Bilbe

Mike Chadwick

April Hoh

Susan Jablonski

Kathy McCormack

Kelly Mills

David Murry

Joe Peters

Maryann Ryan

Janie Hopkins

Affiliation

TCEQ

TCEQ

TCEQ

TCEQ

TCEQ

TCEQ

TCEQ

TCEQ

TCEQ

TWDB

Program

Water Quality Planning Division

Water Supply Division

Water Quality Division

Radioactive Materials Division

Water Supply Division

Water Supply Division

Waste Permits Division

Water Supply Division

Waste Permits Division

Interested Parties

Michael Overbay

Bruce Lesikar

Eileen McPhee

Monica Jacobs

Joe Zupan

Affiliation

U.S. Environmental Protection Agency (EPA)

Texas AgriLife Extension Service (TAES)

Carls, McDonald & Dalrymple LLP

Kelly Hart & Hallman LLP

Zephyr Environmental

MEETING HANDOUTS

1. Agenda for Texas Groundwater Protection Committee meeting on October 29, 2008
2. Record for Texas Groundwater Protection Committee meeting on July 30, 2008
3. Summary of Texas Groundwater Protection Committee (TGPC) Public Outreach and Education (POE) Subcommittee Meeting on September 11, 2008
4. Draft *Activities and Recommendations of the Texas Groundwater Protection Committee: A Report to the 81st Legislature* (TGPC members only)
5. Draft *The Texas Groundwater Protection Committee's Ethics Policy*
6. TSSWCB Statewide Nonpoint Source (NPS) Management Program Requests for Proposals – Fiscal Year 2009 Clean Water Act 319(h) NPS Grant Program
7. TGPC submission to the Fiscal Year 2008 NPS Annual Report
8. Ground Water Protection Committee (GWPC) National Ground Water Strategy Committee Wednesday, September 24, 2008 Meeting Highlights (TGPC members only)
9. Drought 2008 – Public Water Supply Systems Affected as of October 1, 2008
10. U.S. Drought Monitor, Texas as of October 21, 2008
11. TCEQ Rules Log 10/29/2008 – Groundwater Related Rules
12. 2008 – 2009 Water-related Conferences in Texas

MEETING RECORD OF OCTOBER 29, 2008

1. CALL TO ORDER AND INTRODUCTIONS

Cary Betz (TCEQ), Designated Chair of the Texas Groundwater Protection Committee (TGPC), called the meeting to order at approximately 1:08 PM CST and then TGPC members introduced themselves. Cary Betz also introduced Michael Overbay from the U.S. EPA Region 6 Ground Water Center (<http://www.epa.gov/region6/water/swp/groundwater/gw.htm>).

2. SUBCOMMITTEE REPORTS

Agricultural Chemicals

Joe Peters (TCEQ) reported that the Agricultural Chemicals Subcommittee met for their Fiscal Year 2009 First Quarter meeting that morning.

For the Education Task Force, Bruce Lesikar (TAES) announced that there were several meetings coming up in the spring and that the Texas Plant Protection Association (TPPA) Annual Conference (<http://tpa.tamu.edu/conferences/2008/>) would be taking place in early December.

There were no reports for the Site Selection and Pesticide Management Plan Task Forces.

Regarding Texas pesticide issues, Richard Eyster (TDA) reported that:

- Termidor SC has been approved (via section 18 – crisis approval) for Raspberry Crazy Ants (*Paratrechina longicornis*) in the Houston area. Thirteen Texas counties are now invested with these ants, a species prevalent in Brazil and the Caribbean.
- TCEQ and TDA are communicating with the U.S. EPA regarding Pesticides of Interest (POIs). The Pesticide Management Plan Task Force has recommended 11 pesticides and two metabolites as POIs in Texas.

Joe Peters (TCEQ) gave a presentation on TCEQ's 2008 urban monitoring activities. Pesticides that were monitored this year included atrazine, diazinon, 2,4-D, chlorpyrifos, OP/carbamate, dicamba, picloram, azinphos-methyl, and malathion. Analyses were primarily done by immunoassay, but also by laboratory. There were relatively few detections, all at low levels, and well below Maximum Contaminant Levels (MCLs) or Health Advisory Levels (HALs).

Data Management

Cary Betz (TCEQ) reported that the Data Management Subcommittee had not met since the last TGPC meeting. The Data Management Subcommittee has received direction from TCEQ's management in order to better define the draft *Texas Groundwater Protection Strategy* update.

Public Outreach and Education

Bruce Lesikar (TAES) reported that the POE Subcommittee last met on September 11, 2008 and eight agencies and organizations were represented.

The updated POE Activities section of the TGPC Report to the 81st Legislature was reviewed.

The status report on recent and upcoming outreach events

(http://www.tgpc.state.tx.us/subcommittees/POE/WellScreening_Closure_TGPCboothEvents21Feb2008.pdf) was reviewed:

- TAES Water Well Screening Events
 - Four since the previous POE Subcommittee meeting (194 samples)
 - Six planned through November 2008
- TAES Abandoned Water Well Closures
 - None since the previous POE Subcommittee meeting
 - One planned through December 2008
- TGPC Booth
 - One since the previous POE Subcommittee meeting (73 attendees)
 - Two planned through December 2008

TGPC website activity metrics since the previous POE Subcommittee meeting were reviewed:

Timeframe	Unique Visitors	Average Visitors/day	Page Views	File Downloads
11Jul2007 – 25Sep2007 76 days	5,233	69	9,078	262 .pdf files 7,226 times
26Sep2007 – 16Dec2007 82 days	5,367	65	12,583	290 .pdf files 5,631 times
17Dec2007 – 19Feb2008 64 days	3,980	62	10,433	427 .pdf files 4,249 times
20Feb2008 – 16Apr2008 56 days	5,007	89	11,827	422 .pdf files 5,561 times
17Apr2008 – 08Jun2008 52 days	4,575	88	11,096	458 .pdf files 6,136 times
09Jun2008 – 09Sep2008 92 days	7,438	81	21,477	378 .pdf files 11,834 times

During the most recent time period (09Jun2008 – 09Sep2008):

- Twelve days had over 100 Unique Visitors with a high of 231 Unique Visitors on June 12, 2008
- Nine days had over 300 Page Views with a high of 518 Page Views on June 12, 2008.
- The Top 5 pages viewed were:
 - Home Page
 - Water Wells
 - Meetings

- Contamination
- Members – TDLR
- The Top 5 .pdf files downloaded were:
 - TAES publication L-5342, On-site Wastewater Treatment Systems
 - Water Ownership FAQ
 - Seymour Aquifer Water Quality White Paper
 - Brackish Water and Desalination Reject Water Disposal White Paper
 - Well Capping FAQ
 - Note that the next six downloaded files were:
 - 16Jan2008 TGPC minutes
 - How is Pesticide Contamination of Groundwater Prevented in Agricultural Areas ? FAQ
 - What is the Relationship Between Water Levels in Wells and Groundwater Quantity ? FAQ
 - 18Jun2008 Work Session agenda
 - What is a Municipal Setting Designation ? FAQ
 - What Do I Need to Know About Plugging An Abandoned Water Well ? FAQ
- Google had the highest percentage of referrals to the TGPC website with 55 % and Yahoo referrals were 10 %.
- Top Google and Yahoo key phrases included:
 - texas department of licensing and regulation
 - 12100 park 35 circle austin texas; 12100 park 35 circle austin tx
 - texas groundwater protection committee
 - texas water well database
 - groundwater contamination; ground water contamination
 - water wells
 - texas railroad commission oil and gas
 - prevention of water pollution

The TGPC website activity statistics software package was investigated in Fiscal Year 2008 but not renewed in the Fiscal Year 2009 contract. If this type of information is considered useful, it could be explored again in the future.

A second survey was made of links to the TGPC website on TGPC member agency websites (see the TGPC POE Subcommittee *Groundwater Educational Outreach Plan Implementation Strategy*,

http://www.tgpc.state.tx.us/subcommittees/POE/TGPC_POE_EduOutreachPlan_Impl_Strat03Oct2007.pdf, Issue E, Specific Activity 8). Survey results varied:

- A link to the TGPC website was still not found on three of the TGPC member agency websites (RRC, TDA, and UTBEG);
- A link to the TGPC website was found on two of the TGPC member agency websites (TWDB and TSSWCB), but it was not the *first* website search result; and,
- A link to the TGPC website was found (if there was no website search engine), or it was found as the first website search result, on five TGPC member agency websites

(TCEQ, DSHS, TAGD, TAR, and TDLR). This is an improvement from just one TGPC member agency website in the last survey.

Work continues with those TGPC member agency websites that did not have a link to the TGPC website or that needed to improve their TGPC link search results. This survey will be performed again before the next POE Subcommittee meeting.

Six Frequently Asked Questions (FAQs) were approved and subsequently posted on the TGPC website (<http://www.tgpc.state.tx.us/FAQs.htm>):

- How is Pesticide Contamination of Groundwater Prevented in Urban Areas ?
- What is a Groundwater Conservation District (GCD) ?
- How Do You Form a Groundwater Conservation District (GCD) ?
- What is a Priority Groundwater Management Area (PGMA) ?
- What is a Regional Water Planning Group (RWPG) ?
- What is a Groundwater Management Area (GMA) ?

In addition to a *Drinking Water Problems: Benzene* Fact Sheet, FAQs on the following topics are in various stages of revision:

- What Did TCEQ's Monitoring Program in Urban Areas Find in the Groundwater ?
- Oil and Gas Waste Disposal Wells and Water Quality
 - What is an Underground Injection Well ?
 - How are Oil and Gas Waste Disposal Wells Regulated ?
 - How are Oil and Gas Waste Disposal Wells Regulated to Protect Water Quality ?
 - What are the Construction Standards for an Oil and Gas Waste Disposal Well ?
 - What is the Permitting Process for an Oil and Gas Waste Disposal Well ?
 - How are Oil and Gas Waste Disposal Wells Monitored to Ensure That They are not Leaking ?
- What is the State Water Plan ?
- What Planning Activities are Conducted by Regional Water Planning Groups (RWPGs) ?
- What is the Status of the Regional Water Planning Group (RWPG) Process ?
- What Does It Cost to Conduct Regional Water Planning Group (RWPG) Activities ?
- What is the Texas Groundwater Protection Committee (TGPC) ?

The next POE Subcommittee meeting is scheduled for December 2, 2008.

Groundwater Research

Bridget Scanlon (UTBEG) reported that the Groundwater Research Subcommittee met that morning. The most important topic discussed was Nonpoint Source (NPS) pollution of groundwater, with a focus on groundwater under the influence of surface water and the bacterial/pathogenic contamination of alluvial and karst aquifers based on TCEQ's evaluation criteria. The following topics were also briefly discussed:

- Agriculture-based nitrate contamination of the Seymour and southern High Plains aquifers and how it seems to be associated with the initial mineralization of organic matter during cultivation; and,

- Land application of wastewater treatment plant sludges and linkages to groundwater and Total Maximum Daily Load (TMDL) issues.

Legislative Report

Cary Betz (TCEQ) reported that the Legislative Report Subcommittee met on August 26, 2008, although only one member attended. More details on the status of the TGPC Legislative Report were presented in the Business section of the meeting.

3. PRESENTATION

Groundwater Protection and Uranium Mining in South Texas

Susan Jablonski (TCEQ) and David Murry (TCEQ) gave a presentation on the regulation of in-situ mining in Texas. They reviewed:

- Recent legislative changes;
- TCEQ's role in uranium mining;
- Current regulatory framework;
- Implementing responsibilities; and,
- Rulemaking and stakeholder involvement.

They also reviewed injection well classifications, active and proposed recovery sites in Texas, the in-situ uranium mining process, and the status of Phase II rulemaking.

4. BUSINESS DISCUSSION AND POSSIBLE ACTION

Texas Groundwater Protection Strategy – Continue Discussion of the Update

Cary Betz (TCEQ) reported that he has had preliminary discussions regarding the Groundwater Monitoring Plan, which is an integral component of the *Texas Groundwater Protection Strategy* (http://www.tceq.state.tx.us/assets/public/comm_exec/pubs/as/188.pdf), with TCEQ's new upper management. The target date for publication of the updated document is December 2009.

Report to the 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) discussed the draft *Activities and Recommendation of the Texas Groundwater Protection Committee – Report to the 81st Legislature* (“Report”), provided to TGPC members only, both changes from what was presented at the last meeting as well as the addition of two Recommendations which do not require funding or apply to any specific agency (regarding Carbon Dioxide Sequestration and Brackish/Saline Aquifers as Potential Drinking Water Sources) – these two new Recommendations request support from the Legislature for increased communication between state

regulatory agencies. Cary Betz also noted that cost information for the Well Plugging Fund Recommendation had not yet been received from TDLR.

Donna Long (TSSWCB) will confirm the cost information in the Brush Control Recommendation to Cary Betz (TCEQ). Donna Long then proposed, Richard Eyster (TDA) seconded, and all remaining TGPC members agreed to accept the Brush Control Recommendation as discussed and amended at the meeting (two wording changes).

Bruce Lesikar (TAES) proposed, Leslie Savage (RRC) seconded, and all remaining TGPC members agreed to accept the Carbon Dioxide Sequestration Recommendation as discussed and amended at the meeting (six wording changes).

Robert Mace (TWDB) proposed, Kirk Holland (TAGD) seconded, and all remaining TGPC members agreed to accept the Brackish/Saline Aquifers Recommendation as discussed and amended at the meeting (four wording changes).

Several additional corrections and changes were made throughout the document. Robert Mace (TWDB) then proposed, Leslie Savage (RRC) seconded, and all remaining TGPC members agreed to conditionally approve the draft *Report* as discussed and amended at the meeting for submittal to TGPC member agencies for executive management comments and/or concurrence and subsequent publication, allowing TCEQ to make further additional non-substantial and editorial changes, as needed.

The target date for delivery of the final draft *Report* to TGPC member agencies is Monday, November 3, 2008 with feedback due to Cary Betz (TCEQ) by November 24, 2008.

Ethics Policy

John Williams (TCEQ), the TGPC's Legal Advisor, reviewed the revision of the draft TGPC Ethics Policy based on feedback from the last meeting. Robert Mace (TWDB) proposed, Bridget Scanlon (UTBEG) seconded, and all remaining TGPC members agreed to adopt the TGPC Ethics Policy. After the meeting, John Williams advised that the TGPC post this Ethics Policy on its website and provide a copy to all new TGPC members.

Set Future Meeting Dates

The next TGPC quarterly meeting is scheduled for January 21, 2009 at 1:00 PM CDT.

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

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

Mike Chadwick (TCEQ) reported that during the July, August, and September time period, the Impact Evaluation Team (IET) received six new TCEQ contamination cases which resulted in 56 letters of notice. This brings the total during the 2008 calendar year to 25 new contamination cases which have generated 421 letters of notice.

Cary Betz (TCEQ) commented that visiting with all of the agencies associated with HB 3030 (RRC, TDA, TWDB, TSSWCB, and TAGD) may be beneficial. Cary Betz also noted that the long-time leader of the IET has left TCEQ and a replacement has yet to be named.

Groundwater Management Areas – TWDB, TAGD

Robert Mace (TWDB) reported that Groundwater Management Area (GMA) 8 has submitted their Desired Future Conditions (DFCs) to TWDB, and that GMA 9 has approved DFCs for four of their aquifers. Other GMAs are hoping to complete their DFCs within the next several months. Kirk Holland (TAGD) indicated that although not all of the GMAs will be able to provide input to the next round of Regional Water Plans, they all should be able to submit their DFCs by the statutory deadline of September 22, 2009. Robert Mace also indicated that TWDB has delivered one set of Managed Available Groundwater data to GMA 8 and more will be available soon.

Regional Water Planning – TWDB

Robert Mace (TWDB) reported that TWDB staff are reviewing interim studies performed by some of the Regional Water Planning Groups and signing contracts for the next round of regional water planning.

Groundwater Availability Modeling – TWDB

Robert Mace (TWDB) reported that a number of contracts are being finalized and some new models should be available by early next year. Progress on Groundwater Availability Modeling has been slow recently due to TWDB staff's focus on supporting joint planning in GMAs, so consultants will be hired to assist with the planned 200 – 300 model runs over the next two years.

Nonpoint Source Pollution – All Agencies

Donna Long (TSSWCB) referred TGPC members to the handout regarding their Statewide NPS Management Program Requests for Proposals (RFPs) – Fiscal Year 2009 Clean Water Act 319(h) NPS Grant Program (<http://www.tsswcb.state.tx.us/managementprogram>). Donna Long indicated that there

was \$2.0M in RFPs (\$1.2M for education and implementation efforts and \$0.8M for watershed planning and assessment activities), that preference will be given to impaired or threatened water bodies, and that the submission deadline was November 21, 2008. Up to 20% of the funds can be spent on groundwater-related NPS projects.

Lauren Bilbe (TCEQ) referred TGPC members to the handout regarding TGPC's submission to the Fiscal Year 2008 NPS Annual Report. Lauren Bilbe also reported that they have received four groundwater-related project proposals for the 2009 319(h) NPS Grant Program (two from UTBEG and two from TAR).

Cary Betz (TCEQ) requested that the TSSWCB/TCEQ NPS teams provide the TGPC with advance notice of their needs and plans so that the TGPC can reactivate its NPS Management Plan Task Force and provide timely input and assistance.

National Groundwater Initiatives – All Agencies

Cary Betz (TCEQ) reported that the U.S. Department of the Interior's Advisory Committee on Water Information (<http://acwi.gov/>) Groundwater Subcommittee's (<http://acwi.gov/sogw/index.html>) *National Groundwater Monitoring Program – Draft Framework Document* was not yet available, but he would forward it to the TGPC as soon as it was. Cary Betz also requested feedback on the minutes from a September 24, 2008 meeting of the Ground Water Protection Council (GWPC) National Ground Water Strategy Committee. Some of the states, including Texas, are not comfortable with the idea of the federal government directing how states should manage their groundwater resources. Nevada has withdrawn from GWPC, and Nebraska has removed its representative, over this issue.

Robert Mace (TWDB) reported that United States Geological Survey (USGS) has received funding and a directive to assess groundwater availability across the country, without necessarily including all aspects of water law and policy decisions, which has caused some concern within TWDB and TAGD.

Drought Status – All Agencies

Cary Betz (TCEQ) referred the TGPC to the most recent TCEQ drought-affected Public Water Supply Systems and U.S. Drought Monitor maps which indicate the continuing extreme drought in central Texas, and he reported that Jacob's Well in Wimberley, Texas has gone dry for only the second time in recorded history.

Kirk Holland (TAGD) reported that the Barton Springs / Edwards Aquifer Conservation District (BSEACD) will declare a critical stage drought (a mandatory 30% reduction in water usage from all of its permittees) at its next Board meeting.

6. ANNOUNCEMENTS

Cary Betz (TCEQ) announced that TCEQ's Water Well Digitization team has completed preparation of all Water Well Driller Reports (approximately 700 boxes or 700,000 reports) for scanning and indexing. The digital imaging vendor has completed scanning, indexing, and box re-prep for all boxes that were delivered to them. All invoices have been received and the last of them are being processed.

The scanned reports are in Adobe Acrobat format and customers will be able to search them by grid number. Once a quality review of the scanned documents is complete, the Water Well Driller Reports will be available online, both internally and externally, and there will also be kiosks in TCEQ's Central File Room where on-site customers can access the data and print out a hard copy. In the interim, a soft copy of a Water Well Drillers Report can be obtained by directing a Public Information Request through TCEQ's Central File Room.

Robert Mace (TWDB) reported that TWDB staff scans backlogged Water Well Driller Reports from the Texas Department of Licensing and Regulation that were not entered digitally by the drillers. They should be caught up with this backlog in a couple of months, and then they will train the drillers in the online data entry system.

Rules Update

Cary Betz (TCEQ) distributed a summary of current TCEQ rulemaking that was of interest to the TGPC:

- Remediation of Leaking Petroleum Storage Tank (LPST) sites
- Barton Springs / Edwards Aquifer Petition (BSEACD and the City of Austin)
- Edwards Aquifer
- HB 3 / SB 3: Environmental Flow Standards
- HB 3838, SB 1604: Phase 2 of Implementation of Radioactive Material Disposal and Source Material Recovery Requirements

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

Leslie Savage (RRC) indicated that rules related to uranium mining (exploratory wells) will probably be coming out soon.

New Publications

Leslie Savage (RRC) reported that their agency's website (<http://www.rrc.state.tx.us/>) has been updated.

Upcoming Conferences

Details on upcoming conferences were listed in the “2008 – 2009 Water-related Conferences in Texas” handout.

Donna Long (TSSWCB) pointed out that the Annual Bell County Water Symposium, which is sponsored by the Clearwater Underground Water Conservation District, is scheduled for November 6, 2008.

Richard Eyster (TDA) announced that the Texas Water Resources Institute (TWRI) will be offering a Texas Watershed Planning Short Course in Bandera, Texas on January 12 – 16, 2009 (<http://watershedplanning.tamu.edu/>).

7. PUBLIC COMMENT

Michael Overbay (U. S. EPA, Region 6, Ground Water Center, Regional Groundwater Coordinator) indicated that he had wanted to network with the TGPC and inform them that their Ground Water Center (<http://www.epa.gov/region6/water/swp/groundwater/gw.htm>) in Dallas, Texas was available to provide groundwater-related technical assistance, reviews, and coordination. They would also be sponsoring a Groundwater Summit in February 2009 for a broad audience (including universities).

8. ADJOURN

Cary Betz (TCEQ) adjourned the meeting at approximately 4:15 PM CST.