

GROUNDWATER ISSUES SUBCOMMITTEE
OF THE
TEXAS GROUNDWATER PROTECTION COMMITTEE
RECORD OF MEETING
Second Quarter Meeting, Fiscal Year 2024

Meeting Date: December 13, 2023
Meeting No.: 36

Place: videoconference
Room: N/A

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MEETING ATTENDANCE

Subcommittee Members

Kathy McCormack (Co-Chair)
Chris Heiligenstein (Co-Chair)
Rebecca Storms
Eric Lawrence
David Villarreal
Leah Martinsson
John Malito

David Gunn
Linzy Foster
Ken Rainwater

Agency Staff

Stanley Aniagu

Abiy Berehe
Alan Cherepon
Kristin DeBone
Heather Dodson
Grant Gibson
Cindy Hooper
Chris Hooyboer
Peggy Hunka
James LaManna
Jessica Price
Scott Underwood

Interested Parties

Lorrie Council
Diana Nichols
Reyna Loosmore

Margaret Willis

Affiliation

Texas Commission on Environmental Quality (TCEQ)
Railroad Commission of Texas (RRC)
Texas Water Development Board (TWDB)
Texas Department of State Health Services (DSHS)
Texas Department of Agriculture (TDA)
Texas Alliance of Groundwater Districts (TAGD)
Bureau of Economic Geology of The University of Texas at Austin (UTBEG)
Texas Department of Licensing and Regulation (TDLR)
United States Geological Survey (USGS)
Texas Tech University (TTU)

Affiliation

Program

TCEQ	Toxicology, Risk Assessment, and Research Division
TCEQ	Water Availability Division
TCEQ	Water Availability Division
TCEQ	Water Quality Planning Division
TWDB	
TCEQ	Water Availability Division
TCEQ	Water Availability Division
TDLR	
TCEQ	Water Availability Division
TCEQ	Water Supply Division
DSHS	
TCEQ	Water Availability Division

Affiliation

Ground Water Protection Council (GWPC)
Kelly Hart & Hallman, LLP
Sam Houston State University (SHSU) Institute for Homeland Security
Southwest Center for Pediatric Environmental Health

MEETING HANDOUTS

1. Texas Groundwater Protection Committee (TGPC) Groundwater Issues (GWI) Subcommittee Meeting Agenda, December 13, 2023
2. TGPC GWI Subcommittee Meeting Record, September 13, 2023
3. TGPC Agricultural Chemicals (AgChem) Task Force (TF) Status Report, December 13, 2023
4. Proposed FY24 Pesticide Monitoring Plan
5. TGPC Publications Status Report, December 13, 2023
6. *Texas Pacific Water testing impact of produced water on vegetation* news article, <https://www.mrt.com/business/oil/article/texas-pacific-water-testing-impact-produced-water-18480759.php>
7. *Proposed Lead and Copper Rule Improvements* press release, <https://www.epa.gov/ground-water-and-drinking-water/proposed-lead-and-copper-rule-improvements>
8. *New California law bolsters groundwater recharge as strategic defense against climate change* news article, <https://waterdesk.org/2023/09/new-california-law-bolsters-groundwater-recharge-as-strategic-defense-against-climate-change/>
9. *Fort Cavazos adopts underground water storage project* news article, <https://www.conchovalleyhomepage.com/news/texas/fort-cavazos-adopts-underground-water-storage-project/>
10. *enCore Energy Expects to Resume Uranium Production in Texas* news article, <https://zbr.com.mx/sin-categoria-es/encore-energy-corp-receives-renewal-of-license-for-uranium-processing-plants-in-south-texas-expects-resumption-of-production/628175/>
11. Draft *Children's Health and Groundwater Quality at Child Care Operations Using Private Water Wells* white paper

MEETING RECORD OF DECEMBER 13, 2023

1. PRE-MEETING REMINDERS

Before the meeting started, Kathy McCormack (TCEQ) provided the attendees with some tips that would facilitate a productive videoconference.

2. CALL TO ORDER AND INTRODUCTIONS

The TGPC approves all Subcommittee products and designated TGPC members attending this Subcommittee meeting participated as an employee or representative of their agency or organization, not as a designated TGPC member. Therefore, this Subcommittee meeting was not subject to the Open Meetings Act and it was held 100% virtually. The public was also able to attend this meeting via videoconference or teleconference at no cost.

Kathy McCormack (TCEQ), Co-Chair of the GWI Subcommittee, called the meeting to order at approximately 9:34 AM CST and then called the roll of GWI Subcommittee members. The representatives from the Texas State Soil and Water Conservation Board (TSSWCB), Texas A&M AgriLife Research (AgriLife Research), Texas Parks and Wildlife Department (TPWD), and Texas A&M AgriLife Extension Service (AgriLife Extension) were not present at the meeting.

3. STATUS REPORTS

Agricultural Chemicals Task Force

Alan Cherepon (TCEQ) reported on the Agricultural Chemicals Task Force:

- End-Of-Year and monitoring reports were sent to the U.S. Environmental Protection Agency (EPA) Region 6 in Dallas in September 2023;
- The proposed Fiscal Year (FY) 2024 Monitoring Plan included only Cooperative Monitoring with TWDB, with immunoassay screening for atrazine and possibly 2,4-D or another pesticide;
- USGS data was being entered into the TCEQ Interagency Pesticide Database (IPD): five water wells previously not sampled, with a total of 87 samples and 7,584 analyte analyses from September 2021 through August 2023;
 - Current totals for the three tables that comprise the IPD: Wells 7,022, Samples 15,823, and Analytes 396,711;
- A table-top display and staff providing information on the TGPC, including pesticide information and data, was set up at the 35th Annual Texas Plant Protection Conference in Bryan on December 5 – 6, 2023;
- The revised FY 2024 TCEQ Quality Management Plan (QMP) had been submitted to U.S. EPA for review and was awaiting approval;
- The Pesticides of INterest Tracking System (POINTS) pesticide assessment database was updated for Texas for FY 2023 on December 8, 2023; and,

- The Region 6 U.S. EPA/States/Tribes pesticide meeting was held in Dallas on October 6 – 7, 2023, and Alan Cherepon (TCEQ) attended virtually (water quality issues were not addressed during the meeting).

Linzy Foster (USGS) joined the meeting at approximately 9:40 AM CST and was present for the remainder of the meeting.

TGPC Publications

Cindy Hooper (TCEQ) reported on the following TGPC publications:

- *Joint Groundwater Monitoring and Contamination Report – 2023* (“*Joint Report*”, TCEQ publication SFR-56)
 - Work would begin on the *2023 Joint Report* in January 2024.
- *Activities and Recommendations of the Texas Groundwater Protection Committee: Report to the 89th Legislature* (“*Legislative Report*”, TCEQ publication SFR-47)
 - The TGPC Legislative Report Subcommittee would be reactivated during the January 2024 TGPC meeting in order to prepare the report by December 31, 2024.

Cindy Hooper (TCEQ) also reported on the following groundwater-related TCEQ publications:

- Groundwater Assessment (TCEQ publication AS-465) for the *2024 Texas Integrated Report of Surface Water Quality for Clean Water Act Sections 305(b) and 303(d)* (“*Texas Integrated Report*”)
 - The Groundwater Assessment was being prepared and it would be completed by March 1, 2024, and then it would be provided to TCEQ’s Water Quality Planning Division for inclusion in the *2024 Texas Integrated Report*.
- *Priority Groundwater Management Areas and Groundwater Conservation Districts, Report to the 89th Texas Legislature* (“*PGMA/GCD Legislative Report*”, TCEQ publication SFR-53)
 - Work on the next edition of the *PGMA/GCD Legislative Report* would be initiated in the summer of 2024.

David Villarreal (TDA) joined the meeting at approximately 9:43 AM CST and was present for the remainder of the meeting.

4. SET FUTURE MEETING DATE

The next TGPC GWI Subcommittee meeting was scheduled for Wednesday, March 20, 2024, at 9:30 AM CDT and it was planned as a videoconference.

5. DISCUSS CURRENT GROUNDWATER ISSUES

Oil and Gas Produced Water

Kathy McCormack (TCEQ) referred members to a recent news article about a company that had partnered with the New Mexico Produced Water Research Consortium and Texas Produced Water Consortium to research the beneficial reuse of oil and gas produced water

<https://www.mrt.com/business/oil/article/texas-pacific-water-testing-impact-produced-water->

[18480759.php](#)). The pilot program in Texas looked at treated oil and gas produced water with varying Total Dissolved Solid (TDS) levels and its effects on vegetation, as well as how much of it stayed in the root zone. The next stage of testing was scheduled to begin in mid-2024 with a 15,000 – 20,000 barrel per day plant that would apply the treated oil and gas produced water to a larger field.

Emerging Chemical and Biological Contaminants

James LaManna (TCEQ) reported that the U.S. EPA had announced proposed Lead and Copper Rule Improvements (LCRI) on November 30, 2023, which aimed to reduce exposure to lead in drinking water and applied to community and nontransient, noncommunity Public Water Systems (PWSs). Rule summaries and fact sheets were available at <https://www.epa.gov/ground-water-and-drinking-water/proposed-lead-and-copper-rule-improvements>. Some key components of the LCRI included:

- Submitting initial service line inventories to TCEQ by October 16, 2024, and updating them annually;
- Developing and submitting updated service line inventories (known as baseline inventories) to TCEQ by the LCRI final compliance date – three years after the final LCRI was effective;
- Replacing known lead service lines and certain galvanized service lines within 10 years, with limited exceptions;
- Changing sample collection procedures for sites that were served by lead service lines to improve tap sampling;
- Lowering the lead action level from 15 micrograms per liter ($\mu\text{g/L}$) to 10 $\mu\text{g/L}$ and eliminating the Lead and Copper Rule Revisions (LCRR) lead trigger level;
- Conducting a distribution system and site assessment if an individual sample exceeded the lead action level;
- Increasing public education requirements, such as adding mandatory language about lead health effects to Consumer Confidence Reports; and,
- Expanding allowable sampling waivers to community PWSs if schools and childcare facilities were sampled for lead between January 1, 2021, and the LCRI compliance date, including sampling conducted through the Voluntary Lead Testing in Schools and Childcare Facilities program (<https://www.tceq.texas.gov/drinkingwater/lead-testing-school-and-child-care-drinking-water/voluntary-lead-testing-program>).

Margaret Willis (Southwest Center for Pediatric Environmental Health) asked if schools and childcare facilities were still allowed to refuse testing. James LaManna (TCEQ) indicated that he thought that they could still refuse testing, but that there were increased rules, documentation, and notification if they did.

David Villarreal (TDA) reported that emerging chemical and biological contaminants in the recent news cycle and meetings that he attends included salmonella in cantaloupes, *Cyclospora* in surface water in Texas, and the disposal of drugs into surface water at the Texas-Mexico border.

Stanley Aniagu (TCEQ) reported that he had recently attended a conference where 6 p-phenylenediamine (6PPD), a tire-antidegradant, and one of its breakdown products, 6PPD-

quinone (6PPD-q), were discussed. 6PPD-q had already been found in surface water, but it was currently unknown whether it occurred in groundwater.

Aquifer Storage and Recovery (ASR)

Kathy McCormack (TCEQ) referred members to two recent news articles about ASR which indicated that:

- California's expanded natural infrastructure definition now included aquifers, thus making them eligible for state grant opportunities aimed at recharging groundwater for water supply, flood control, and wildlife habitat projects (<https://waterdesk.org/2023/09/new-california-law-bolsters-groundwater-recharge-as-strategic-defense-against-climate-change/>). With aquifer replenishment now deemed a public benefit, the governor signed an executive order earlier in 2023 that temporarily allowed water managers and property owners to store floodwater underground without a permit, and those rules had been extended through 2028; and,
- A planned project in Bell County would use surface water as a source for ASR (<https://www.conchovalleyhomepage.com/news/texas/fort-cavazos-adopts-underground-water-storage-project/>).

Rebecca Storms (TWDB) reported that they were nearing the completion of two projects: a paper on ASR and Aquifer Recharge (AR) in the Edwards and Trinity aquifers, and an ASR suitability report for the Lower Valley Water District in El Paso County.

Abandoned Water Wells

There was no discussion of this topic at the meeting.

Environmental Justice and Groundwater Access and Quality

John Malito (UTBEG) reported that they were engaged in on-going science and policy discussions regarding improving access to State Revolving Funds for small and rural community water systems, as well as hazard exposure, drinking water quality, and infrastructure issues in unincorporated communities in the Lower Rio Grande Valley.

Groundwater Quality Monitoring

Rebecca Storms (TWDB) reported that:

- Planning for their FY 2024 groundwater quality monitoring season was underway;
- The Ogallala and Dockum aquifers would be their primary aquifers of interest in FY 2024; and,
- They had a slightly larger laboratory budget in FY 2024, but it would not go far due to increased analytical costs and additional radiochemistry analyses.

Brackish Groundwater

Rebecca Storms (TWDB) reported that they had recently published:

- An East Sparta Aquifer brackish groundwater study (https://www.twdb.texas.gov/groundwater/bracs/studies/Spart_East/index.asp);
- The sixth edition of the Brackish Resources Aquifer Characterization System (BRACS) Data Dictionary (https://www.twdb.texas.gov/groundwater/bracs/doc/TWDB_OF_12-02_6th_ed_BRACS_DataDictionary_09192023.pdf); and,
- An updated version of the BRACS public database to accompany the data dictionary (<https://www.twdb.texas.gov/groundwater/bracs/database.asp>).

In addition, they had completed a study for the southern portion of the Trinity Aquifer in September 2022, and they were currently working on proposed Brackish Groundwater Production Zone (BGPZ) designations for that aquifer.

Evapotranspiration Networks

Rebecca Storms (TWDB) reported that they were now collaborating with the West Texas Mesonet to bring data from an additional 150 stations into their TexMesonet (<https://www.texmesonet.org/>), thus greatly improving data coverage in west Texas and the Panhandle. In addition, the TexMesonet was now a part of the National Mesonet program, joining the ranks of the nation's best weather and earth observing networks.

Alan Cherepon (TCEQ) reported that Dana Porter (AgriLife Extension) had moderated a session that included a discussion of evapotranspiration data and irrigation timing estimates at the Texas Plant Protection Conference on December 6, 2023.

Others

Kathy McCormack (TCEQ) referred members to a recent news article about a company in south Texas that had renewed its 10-year permit for uranium mining using In-Situ Recovery (ISR) technology (<https://zbr.com.mx/sin-categoria-es/encore-energy-corp-receives-renewal-of-license-for-uranium-processing-plants-in-south-texas-expects-resumption-of-production/628175/>).

6. BUSINESS DISCUSSION AND POSSIBLE ACTION

Draft Children's Health and Groundwater Quality at Child Care Operations Using Private Water Wells White Paper

Margaret Willis (Southwest Center for Pediatric Environmental Health) and Eric Lawrence (DSHS) presented the initial draft of their *Children's Health and Groundwater Quality at Child Care Operations Using Private Water Wells* white paper. Subcommittee members discussed strategies that non-compliant PWSs had used for addressing health-based regulation violations (e.g., separating potable vs. non-potable uses and offering bottled water for drinking), funding for drinking water testing and treatment at child care operations, and expanding the description

of the GIS methodology used in the white paper's analysis. Subcommittee members were encouraged to provide additional feedback after the meeting, and an updated draft of the white paper would be presented at the next meeting.

Leah Martinsson (TAGD) left the meeting at approximately 10:50 AM CST and was absent for the remainder of the meeting.

Discussion of White Papers Under Development

Kathy McCormack (TCEQ) reported that they were working with TWDB on a white paper regarding groundwater quality protection through monitoring and that they planned to have an initial draft at the next meeting.

7. ANNOUNCEMENTS

Linzy Foster (USGS) reported that they were continuing the groundwater quality projects (i.e., primarily PFAS sampling) that were mentioned at the previous meeting.

8. PUBLIC COMMENT

There was no public comment at the meeting.

9. ADJOURN

Kathy McCormack (TCEQ) adjourned the meeting at approximately 10:56 AM CST.