

TEXAS GROUNDWATER PROTECTION COMMITTEE
RECORD OF MEETING
 Second Quarterly Meeting, Fiscal Year 2022

Meeting Date: January 12, 2022
 Meeting No.: 136

Place: TCEQ Campus, Bldg F
 Room: 5108

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MEETING ATTENDANCE

Committee Members

Kelly Mills

Larry French
James Harcourt
Eric Lawrence
David Villarreal
T.J. Helton

Leah Martinsson
Rosario Sanchez

Bridget Scanlon

David Gunn

Affiliation

Texas Commission on Environmental Quality (TCEQ)
Texas Water Development Board (TWDB)
Railroad Commission of Texas (RRC)
Texas Department of State Health Services (DSHS)
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)
Bureau of Economic Geology of The University of Texas at Austin (UTBEG)
Texas Department of Licensing and Regulation (TDLR)

Agency Staff

Jennifer Allis
Natalie Ballew
Abiy Berehe
Alan Cherepon
Lorrie Council
Grant Gibson
Jason Godeaux
Sarah Gruen
Daryn Hardwick
Cindy Hooper
Peggy Hunka
Kathy McCormack
Michael Parr
Dana Porter

Alysa Suydam
Scott Underwood
Marcia Workman

Affiliation

Program

TCEQ Water Availability Division
TWDB
TCEQ Water Availability Division
TCEQ Water Availability Division
TCEQ Radioactive Materials Division
TCEQ Water Availability Division
TCEQ Water Availability Division
Texas Sunset Advisory Commission
TWDB
TCEQ Water Availability Division
TCEQ Water Availability Division
TCEQ Water Availability Division
TCEQ Environmental Law Division
Texas A&M AgriLife Extension Service (AgriLife Extension)
TWDB
TCEQ Water Availability Division
TCEQ Water Availability Division

Interested Parties

David Duncan
Joseph Essler
Robert Hicks
Monica Jacobs
Ken Kramer
Mark Layne

Affiliation

Transwestern
Texas Poultry Federation and Affiliates
Corix Utilities
Kelly Hart & Hallman, LLP
Sierra Club – Lone Star Chapter
Ground Water Protection Council

Terese McCaine
Dustin Roberts
Christopher Saitas
Jeffrey Saitas

SEC, LLC
Water District Management

MEETING HANDOUTS

1. Agenda for Texas Groundwater Protection Committee meeting on January 12, 2022
2. Record for Texas Groundwater Protection Committee meeting on October 20, 2021
3. Summary of Texas Groundwater Protection Committee (TGPC) Groundwater Issues (GWI) Subcommittee Meetings, December 15, 2021
4. Summary of Texas Groundwater Protection Committee (TGPC) Public Outreach and Education (POE) Subcommittee Meeting, December 15, 2021
5. Draft Table of Contents for the *Joint Groundwater Monitoring and Contamination Report – 2021*
6. *ET Networks and the Protection of Groundwater Supplies and Quality* White Paper
7. *What Are the Texas Evapotranspiration (ET) Networks?* Frequently Asked Question (FAQ)
8. *What You Should Know Before Buying Property with a Private Water Well* FAQ
9. Proposed Rule Reviews, Texas Groundwater Protection Committee, Title 31, Part 18
10. TCEQ Rules Update, 1/12/2022
11. 2022 Water-related Conferences in Texas, January 2022

MEETING RECORD OF JANUARY 12, 2022

1. PRE-MEETING REMINDERS

Before the meeting started, Kelly Mills (TCEQ) provided the attendees with some tips that would facilitate a productive videoconference option for the meeting.

2. CALL TO ORDER AND INTRODUCTIONS

The member of the TGPC presiding over this meeting was physically present at the location listed on the first page and this meeting location was accessible to the public. Other designated TGPC members and the public were also able attend this meeting via teleconference or videoconference at no cost.

Kelly Mills (TCEQ), Designated Chairman of the Texas Groundwater Protection Committee (TGPC), called the meeting to order at approximately 1:33 PM CST and called the roll of TGPC members.

3. SUBCOMMITTEE REPORTS

Groundwater Issues

Kathy McCormack (TCEQ) reported that the TGPC GWI Subcommittee last met on December 15, 2021, via videoconference and 11 state and federal agencies and organizations were represented.

The current Agricultural Chemicals Task Force Status Report (available on the TGPC GWI Subcommittee webpage, <https://tgpc.texas.gov/tgpc-subcommittees/tgpc-groundwater-issues-subcommittee/>, under the “Additional Resources” heading) was reviewed with the following highlights:

- The proposed Fiscal Year (FY) 2022 Pesticide Monitoring Plan was reviewed which contained plans for Cooperative Monitoring and atrazine analysis (and possibly 2,4-D, as the budget allowed);
- Sampling by TWDB was anticipated to include the Ogallala, Dockum, Pecos Alluvium, Fredericksburg, and Antlers aquifers;
- The TCEQ Interagency Pesticide Database (IPD) had been updated with 2021 Cooperative Monitoring data and USGS data from the past two years, and this data was submitted to the U.S. Environmental Protection Agency (EPA) electronically;
- A table-top display of TGPC information was provided at the annual Texas Plant Protection Association conference in Bryan on December 7 – 8, 2021, with a focus on pesticides from the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) grant work in 2021; and,
- The Pesticides of INterest Tracking System (POINTS) Pesticide Assessment Database for Texas had been updated and uploaded into the U.S. EPA Central Data Exchange FIFRA Grant Database website, along with all of the updated IPD, TCEQ

Public Drinking Water, and TCEQ Source Water Quality Monitoring pesticide data for 2021.

The current TGPC Publications Status Report (also available on the TGPC GWI Subcommittee webpage) was reviewed with the following highlights:

- *Joint Groundwater Monitoring and Contamination Report – 2021 (“Joint Report”, SFR-056)*
 - Work on the *2021 Joint Report* would begin in January 2022.
- Groundwater Assessment for the *2022 Texas Integrated Report for Clean Water Act Sections 305(b) and 303(d) (“Texas Integrated Report”)*
 - GPAT staff were preparing this biennial groundwater assessment and a draft should be available in January 2022; the groundwater assessment would then be transmitted to the TCEQ Water Quality Planning Division for inclusion in the *Texas Integrated Report*.
- *Activities and Recommendations of the Texas Groundwater Protection Committee: Report to the 88th Legislature (“Legislative Report”, SFR-047)*
 - The next *Legislative Report* would be prepared in advance of the 88th Legislature.

The following current groundwater issues were discussed:

- Emerging Contaminants;
- Abandoned Water Wells;
- Brackish Groundwater; and,
- Others (i.e., a New Mexico State University professor who was studying the effects of groundwater pumping on rivers, the Second International United Nations Educational, Scientific, and Cultural Organization (UNESCO) Conference on Transboundary Aquifers, a recently-published updated map of transboundary aquifers of the world that included those between the U.S. and Mexico, and the discovery of a new freshwater transboundary aquifer in west Texas).

Guy Fipps (AgriLife Extension) reviewed the final draft of the *ET Networks and the Protection of Groundwater Supplies and Quality* white paper. The white paper was approved by the members and it would be presented to the TGPC for approval at their next meeting. Guy Fipps (AgriLife Extension) was thanked for his six months of effort on this white paper.

The next TGPC GWI Subcommittee meeting was scheduled for March 9, 2022.

Public Outreach and Education

Peggy Hunka (TCEQ) reported that the TGPC POE Subcommittee last met on December 15, 2021, and six state agencies and organizations were represented.

The Subcommittee reviewed the current Outreach Events Status Report (available on the TGPC POE Subcommittee webpage, <https://tgpc.texas.gov/tgpc-subcommittees/tgpc-public-outreach-and-education-subcommittee/>, under the “Additional Resources” heading):

- Texas AgriLife Extension Water Well Screening Events
 - There were four screening events in the previous quarter; and,
 - One screening event was planned for the spring of 2022 in Anderson County.
- TGPC Exhibit Booth
 - A booth was set up at the annual Texas Plant Protection Association conference held in December 2021 in Bryan with approximately 22 attendees visiting the booth.

John Smith (AgriLife Extension) reviewed the Texas Well Owner Network (TWON) schedule of completed and confirmed one-day water well training events and workshops. There had been over 829 samples or attendees at TWON events since May 2021.

The Google Analytics activity report on the TGPC website was reviewed.

There were no TGPC Groundwater Educational Outreach Plan topic updates.

FAQs and Fact Sheets:

- Final Draft of FAQ entitled *What You Should Know Before Buying Property with a Private Water Well*
 - After discussion, the document was approved for presentation at the next TGPC meeting.
- Final Draft of FAQ entitled *What Are the Texas Evapotranspiration (ET) Networks?*
 - The document was reviewed for plain language by Jessica Price (DSHS) and Julia Stanford (TAGD) and presented to the POE Subcommittee. It was approved for presentation at the next TGPC meeting.

Jessica Price (DSHS) requested references for a water well fact sheet that they were preparing for day care centers as part of their Texas Choose Safe Places Program.

Scott Underwood (TCEQ) announced the release of version 5.0 of the Water Well Report Viewer which included scanned legacy maps of plotted water wells.

Rebecca Storms (TWDB) announced that they were searching for water wells for their Recorder Well Network in counties that did not have any wells in the network at that time.

The next TGPC POE Subcommittee meeting was scheduled for March 9, 2022.

4. PRESENTATION

James Harcourt (RRC) shared information about the identification of a deep freshwater aquifer in several transboundary counties of Texas. The presentation included the approximate geographic location of the aquifer in Maverick County, data and geologic

maps about the aquifer, the probable source of the superior quality water, options for reducing uncertainty about the aquifer, and next steps.

Kelly Mills (TCEQ) asked the TGPC members if they would like to have a presentation at the next meeting in April 2022 or wait until the July 2022 meeting. Several members expressed support for a presentation at the next meeting, and they offered several topic and presenter suggestions.

David Gunn (TDLR) left at approximately 2:29 PM, Bridget Scanlon (UTBEG) left at approximately 2:39 PM, and they were absent for the remainder of the meeting.

5. BUSINESS DISCUSSION AND POSSIBLE ACTION

Joint Groundwater Monitoring and Contamination Report – 2021 – Format and Content Approval

Cindy Hooper (TCEQ) presented the draft Table of Contents (TOC) for the *Joint Groundwater Monitoring and Contamination Report – 2021*. Leah Martinsson (TAGD) asked if the report included any information on suspected cases that had not yet been investigated. Cindy Hooper (TCEQ) responded that the cases were confirmed by the program areas, but perhaps no action had been taken on some of them. Abiy Berehe (TCEQ) added that the report provided the status of each case, the report was notification of groundwater contamination to county judges, county health officials, Groundwater Conservation Districts (GCDs), etc., and the program areas followed up on a case until it was closed. Leah Martinsson (TAGD) asked if TGPC members would be able to review and comment on the final draft of the full report. Cindy Hooper (TCEQ) responded that TCEQ typically facilitated the publication of the report after TGPC members approved the draft TOC. Kelly Mills (TCEQ) requested that TGPC members share any concerns that they might have with the previous report and indicated that the final draft of the 2021 *Joint Report* could be shared with those that were interested. David Villarreal (TDA) proposed, Larry French (TWDB) seconded, and all remaining TGPC members approved the draft format and content of the *Joint Groundwater Monitoring and Contamination Report – 2021*, allowing TCEQ staff to make any non-substantive changes required for publication on the TCEQ website. TCEQ staff would continue working on this annual TGPC report so that it would be published later in 2022.

Cindy Hooper (TCEQ) also announced the recent update of the TCEQ Groundwater Contamination Viewer (<https://www.tceq.texas.gov/gis/groundwater-contamination-viewer>) with new layers based on the 2019 and 2020 *Joint Reports*.

Activities and Recommendations of the Texas Groundwater Protection Committee - Report to the 88th Legislature – Reactivation of Legislative Report Subcommittee and Appointment of Members

Abiy Berehe (TCEQ) provided background information on the TGPC Legislative Report Subcommittee. Leah Martinsson (TAGD) proposed, James Harcourt (RRC) seconded,

and all remaining TGPC members approved reactivation of the Legislative Report Subcommittee. Some TGPC members identified who would be attending the Legislative Report Subcommittee meetings, and others would follow up with Abiy Berehe (TCEQ) afterwards with that information.

ET Networks and the Protection of Groundwater Supplies and Quality White Paper

Kathy McCormack (TCEQ) presented the *ET Networks and the Protection of Groundwater Supplies and Quality* white paper. Guy Fipps (AgriLife Extension) had developed the white paper over six months in 2021, he obtained reviews and inputs from several Subject Matter Experts (including the state climatologist), and the white paper included one continuing research need and two detailed recommendations. David Villarreal (TDA) proposed, Leah Martinsson (TAGD) seconded, and all remaining TGPC members approved the *ET Networks and the Protection of Groundwater Supplies and Quality* white paper. The white paper would be posted on the TGPC website.

What Are the Texas Evapotranspiration (ET) Networks? Frequently Asked Question (FAQ)

This Business agenda item was combined with the next Business agenda item.

What You Should Know Before Buying Property with a Private Water Well FAQ

Peggy Hunka (TCEQ) presented the *What Are the Texas Evapotranspiration (ET) Networks?* and *What You Should Know Before Buying Property with a Private Water Well* FAQs and acknowledged the work of Guy Fipps (AgriLife Extension), and Joel Pigg and John Smith (both with AgriLife Extension), on these respective FAQs. James Harcourt (RRC) proposed, Rosario Sanchez (AgriLife Research) seconded, and all remaining TGPC members approved the *What Are the Texas Evapotranspiration (ET) Networks?* and *What You Should Know Before Buying Property with a Private Water Well* FAQs. The FAQs would be posted on the TGPC website.

Quadrennial Rules Review for 31 TAC Chapter 601, Groundwater Contamination Report – Discuss and Approve Proposal for Publication

The order of Business agenda items was changed at the meeting – this Business agenda item was actually discussed first, followed by the remaining original Business agenda items. Michael Parr (TCEQ) provided background information on the TGPC Quadrennial Rules Review (QRR) process. Leah Martinsson (TAGD) asked if this was an opportunity to consider any changes to the TGPC’s Rules. Michael Parr (TCEQ) responded that the TGPC was only starting the process of considering whether the reasons for their Rules still exist, but that changes could be considered after the QRR process was complete. Leah Martinsson (TAGD) proposed, James Harcourt (RRC) seconded, and all remaining TGPC members approved publication of a notice of the TGPC’s intention to readopt their Rules in the *Texas Register* on January 28, 2022, and to allow TCEQ staff to make any non-substantive revisions necessary to comply with *Texas*

Register requirements. Public comment would be due by 5:00 PM CST on March 1, 2022, and the TGPC would vote on the readoption of their Rules at their next meeting.

Set Future Meeting Date

The next TGPC quarterly meeting was scheduled for April 13, 2022, at 1:30 PM CDT as a hybrid meeting.

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

Groundwater Contamination Notice Coordination (Texas Water Code §26.408)

Grant Gibson (TCEQ) reported that, since the last TGPC meeting, their Impact Evaluation Team (IET) had met five times and reviewed eight groundwater contamination cases, and 65 notices had been sent to the potentially affected private water well owners and users.

Groundwater Management Areas

Leah Martinsson (TAGD) reported that the January 5, 2022, deadline for the submission of Desired Future Conditions (DFCs) to TWDB had been met by all of the Groundwater Management Areas (GMAs).

Regional Water Planning

Larry French (TWDB) reported that:

- The first set of draft water demand projections (covering livestock, manufacturing, and steam-electric water use) would be released to the Regional Water Planning Groups (RWPGs) in January 2022;
- The regional and state water planning Rule proposal was available for public comment through January 31, 2022, at <https://www.twdb.texas.gov/about/rules/index.asp>; and,
- The working schedule for the 2026 Regional Water Plans was available at https://www.twdb.texas.gov/waterplanning/rwp/planningdocu/2026/projectdocs/Working_Schedule_2026RWPs.pdf.

Groundwater Availability Modeling

Larry French (TWDB) reported that:

- Two Groundwater Availability Models (GAMs) were complete:
 - Conceptual model of the Cross Timbers Aquifer, with the development of the numerical model likely to begin later in 2022; and,
 - Blossom Aquifer model, with mailout to stakeholders to occur in January 2022.
- Work for four GAMs was on-going:

- Northern Segment of the Edwards (Balcones Fault Zone) Aquifer (which now includes the Trinity Aquifer) was in the calibration stage;
- Gulf Coast Aquifer System (covering the central and southern portions of the aquifer corresponding to GMAs 15 and 16) was in the predictive scenarios and sensitivity stage;
- Edwards-Trinity regional conceptual model was nearing completion and a stakeholder advisory forum meeting would likely be scheduled in February 2022; and,
- The U.S. Geological Survey (USGS) had nearly completed the GULF2023 model for the Northern Gulf Coast Aquifer System; their report was undergoing internal review, and the completed model was expected to be available for public review and comment later in 2022.

Nonpoint Source Pollution

T.J. Helton (TSSWCB) reported that:

- They were working with TCEQ to finalize the 2021 *Nonpoint Source Pollution (NPS) Annual Report* which was due to the U.S. Environmental Protection Agency (EPA) by January 31, 2022; and,
- The 2022 update of the *Texas NPS Management Program* had been approved by TSSWCB and TCEQ, it would be submitted to the Texas Governor with approval anticipated by January 31, 2022, and then it would be submitted to the U.S. EPA.

National Groundwater Information

There was no discussion of this Information Exchange agenda item at the meeting.

7. ANNOUNCEMENTS

Rules Update

Cindy Hooper (TCEQ) reported on current TCEQ rulemaking that was of interest to the TGPC:

- 2020-048-311-OW – Sand Mining Best Management Practices in the San Jacinto River Watershed;
- 2021-004-MIS-NR – Texas Nonpoint Source (NPS) Management Program Update;
- 2020-014-307-OW – Triennial Review of 30 TAC Chapter 307, Texas Surface Water Quality Standards (TSWQS); and,
- 2021-030-285-CE – On-site Sewage Facility (OSSF) Updates.

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

New Publications

Kelly Mills (TCEQ) did not have any new or revised TCEQ publications to announce. However, he advised TGPC members that TCEQ was in the process of updating the links to all of its publications, and those links would have to be updated on the TGPC member's websites, as well.

Rosario Sanchez (AgriLife Research) announced that the International Groundwater Resources Assessment Centre (IGRAC) had recently published an updated map of transboundary aquifers of the world (https://www.un-igrac.org/sites/default/files/resources/files/TBAMap_2021_0.pdf) and the transboundary aquifers between the U.S. and Mexico that they had been working on were included in this updated map.

Upcoming Conferences

Kelly Mills (TCEQ) referred TGPC members to the conferences listed in the “2022 Water-related Conferences in Texas” handout – the current version of this handout is always available on the TGPC's POE Subcommittee webpage at <https://tgpc.texas.gov/tgpc-subcommittees/tgpc-public-outreach-and-education-subcommittee/> under the “Additional Resources” heading.

Leah Martinsson (TAGD) announced that:

- Their Business meeting was scheduled for February 8 – 9, 2022 in conjunction with the first of a three-part Boot Camp for GCD board members, staff, and general managers; and,
- Their annual Texas Groundwater Summit was scheduled for August 30 – September 1, 2022, in San Antonio.

Rosario Sanchez (AgriLife Research) announced that the Permanent Forum of Binational Waters (<https://binationalwaters.tamu.edu/>) would be holding its next Coffee Break event regarding the role of native communities in transboundary water resources conservation on January 25, 2022.

Scott Underwood (TCEQ) announced that the TCEQ Water Well Report Viewer (<https://www.tceq.texas.gov/gis/waterwellview.html>) had recently been updated with the addition of scanned legacy maps that displayed plotted water wells from the 1970s and 1980s by county.

8. PUBLIC COMMENT

There was no public comment at the meeting.

9. ADJOURN

Kelly Mills (TCEQ) adjourned the meeting at approximately 3:19 PM CST.