

**TEXAS GROUNDWATER PROTECTION COMMITTEE
RECORD OF MEETING**

Third Quarterly Meeting, Fiscal Year 2022

Meeting Date: April 13, 2022
Meeting No.: 137

Place: TCEQ Campus, Bldg F
Room: 5108

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MEETING ATTENDANCE

Committee Members

Kelly Mills

Larry French

Chris Heiligenstein

Eric Lawrence

David Villarreal

T.J. Helton

John Tracy

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 A&M AgriLife Research (AgriLife Research)

Agency Staff

Jennifer Allis

Natalie Ballew

Abiy Berehe

Alan Cherepon

Lorrie Council

Grant Gibson

Jason Godeaux

James Golab

Cindy Hooper

Peggy Hunka

Kathy McCormack

Michael Parr

Rosario Sanchez

Rebecca Smyth

Casey Stevens

Scott Underwood

Affiliation

TCEQ

TWDB

TCEQ

TCEQ

TCEQ

TCEQ

TCEQ

TWDB

TCEQ

TCEQ

TCEQ

TCEQ

AgriLife Research

Bureau of Economic Geology of The University of Texas at Austin (UTBEG)

Texas Department of Licensing and Regulation (TDLR)

TCEQ

Program

Water Availability Division

Water Availability Division

Water Availability Division

Radioactive Materials Division

Water Availability Division

Water Availability Division

Water Availability Division

Water Availability Division

Water Availability Division

Environmental Law Division

Water Availability Division

Interested Parties

Jenny Caldwell

Joseph Essler

Kirstin Hein

Robert Hicks

Jasmine Gilbert

Ken Kramer

Mary Musick

Dustin Roberts

Jennifer Thayer

Joanna Wilson

Affiliation

Texas Poultry Federation and Affiliates

Lone Star Groundwater Conservation District (GCD)

Corix Utilities

AEP/SWEPCO

Sierra Club – Lone Star Chapter

Water District Management

Lone Star GCD

Gulf Coast Authority

MEETING HANDOUTS

1. Agenda for Texas Groundwater Protection Committee meeting on April 13, 2022
2. Record for Texas Groundwater Protection Committee meeting on January 12, 2022
3. Summary of Texas Groundwater Protection Committee (TGPC) Groundwater Issues (GWI) Subcommittee Meetings, March 9, 2022
4. Summary of Texas Groundwater Protection Committee (TGPC) Public Outreach and Education (POE) Subcommittee Meeting, March 9, 2022
5. Texas Groundwater Protection Committee (TGPC) Legislative Report Subcommittee Status Report, April 13, 2022
6. Texas Groundwater Protection Committee, Title 31, Part 18, Chapter 601 – Groundwater Contamination Report, draft notice of readoption of Rules
7. TCEQ Rules Update, 4/13/2022
8. 2022 Water-related Conferences in Texas, April 2022

MEETING RECORD OF APRIL 13, 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 CDT and called the roll of TGPC members. The designated representatives or alternates from the Texas Alliance of Groundwater Districts (TAGD), TDLR, and UTBEG were not present at the meeting.

3. SUBCOMMITTEE REPORTS

Groundwater Issues

Kathy McCormack (TCEQ) reported that the TGPC GWI Subcommittee last met on March 9, 2022, via videoconference and 12 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 TCEQ Environmental Trade Fair was scheduled for May 10 – 11, 2022, and a table-top display of TGPC information was planned that would include pesticide-related activities for the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) grant work; and,
- The next Region 6 U.S. Environmental Protection Agency (EPA)/States/Tribes pesticide Spring meeting was scheduled for some time in April or May 2022, it would be hosted by Louisiana, and it was anticipated to be conducted virtually.

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* had commenced; requests for 2021 cases lists and program updates were emailed to each TGPC member and to individual TCEQ programs;
 - TCEQ staff were working through the information submitted and would reach out individually with questions on the submittals; TGPC members could also contact Cindy Hooper (TCEQ) or Grant Gibson (TCEQ) with additional information, questions, or to provide input; and,
 - Prior to publication, the draft *2021 Joint Report* would be sent for TCEQ agency-wide review and staff would provide the draft report to TGPC members for review, as well.
- *Groundwater Assessment for the 2022 Texas Integrated Report for Clean Water Act Sections 305(b) and 303(d) (“Texas Integrated Report”)*
 - TCEQ staff were finalizing this biennial assessment and expected to transmit it by April 1, 2022, to TCEQ’s Water Quality Planning Division to be included in the *2022 Texas Integrated Report*.
- *Activities and Recommendations of the Texas Groundwater Protection Committee: Report to the 88th Legislature (“Legislative Report”, SFR-047)*
 - The Legislative Report Subcommittee was reactivated during the second quarter Fiscal Year (FY) 2022 TGPC meeting, and the Legislative Report Subcommittee started working on the publication during their meeting on March 9, 2022; and,
 - The *Legislative Report* for the 88th Legislature was anticipated to be published and distributed to the Texas Legislature by December 31, 2022.

The following current groundwater issues were discussed:

- Oil and Gas Produced Water
- Emerging Contaminants;
- Abandoned Water Wells;
- Brackish Groundwater;
- Evapotranspiration Networks; and,
- Others (i.e., proposed federal steps to protect groundwater from coal ash contamination, overcrowded cemeteries due to the COVID-19 pandemic causing heavy metal pollution in soil and thus increasing the risk of groundwater contamination, and a proposed federal program to address orphan oil and gas wells).

An updated draft of the *Opportunities and Challenges in Aquifer Storage and Recovery* white paper was reviewed and several members indicated that they would provide written feedback after the meeting. Potential future white paper topics were also discussed.

The next TGPC GWI Subcommittee meeting was scheduled for June 8, 2022.

Public Outreach and Education

Peggy Hunka (TCEQ) reported that the TGPC POE Subcommittee last met on March 9, 2022, and eight 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 A&M AgriLife Extension Service (AgriLife Extension) Water Well Screening Events
 - There was one screening event in the past quarter; and,
 - Four screening events were planned for the spring of 2022.
- TGPC Exhibit Booth
 - There were no booth activities to report; however, the TGPC poster for National Groundwater Awareness Week was distributed to all member agencies and organizations earlier in 2022 for posting on their social media platforms.

John Smith (AgriLife Extension) reviewed the Texas Well Owner Network (TWON) schedule of completed and confirmed water well one-day training events and workshops. There had been over 844 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.

There was a review of the TGPC Frequently Asked Questions (FAQs) webpage (<https://tgpc.texas.gov/frequently-asked-questions-faqs/>) for those that needed to be updated. Each Subcommittee member would review their FAQs and report back at the next meeting. Three suggested FAQ topics were discussed with PFAS being a possibility for future development.

The next TGPC POE Subcommittee meeting was scheduled for June 8, 2022.

Legislative Report

This Subcommittee report was given during the Business portion of the meeting.

4. PRESENTATION

James Golab (TWDB) presented a summary of their recently-completed assessment (TWDB Contract Number 2000012442, <https://www.twdb.texas.gov/groundwater/bracs/projects/Comingling/index.asp>) of the potential for comingling of brackish water. The objectives of the study were to document a scientific assessment of brackish groundwater comingling issues statewide, with a focus on select aquifers and regions, and inform future policy development regarding the concept of comingling. As per Texas Administrative Code (TAC) Title 16, Part 4,

Chapter 76, Rule 10(16), comingling is defined as the mixing, mingling, blending, or combining through the borehole casing or annulus or the filter pack of waters that differ in chemical quality, which causes quality degradation of any aquifer or zone. Comingling could be caused by well drilling, completion, or operations, but the potential for comingling is far greater under non-pumping conditions. Of the three selected study areas – the Trans Pecos Region, Gulf Coast Aquifer System, and Eagle Ford Region – the latter two were found to have the highest potential for comingling.

Presentations at TGPC meetings were always available on the Meeting Records of the TGPC webpage (<https://tgpc.texas.gov/meetings/meeting-records-of-the-texas-groundwater-protection-committee/>).

5. BUSINESS DISCUSSION AND POSSIBLE ACTION

Joint Groundwater Monitoring and Contamination Report – 2021

Cindy Hooper (TCEQ) provided the status of the *2021 Joint Report*. All of the 2021 cases lists had been received from the TGPC members and program areas, the cases had been checked for geolocation accuracy, and there seemed to be slightly fewer cases than in the previous year. TCEQ staff would continue working on the document with a publication target date of June 1, 2022.

Activities and Recommendations of the Texas Groundwater Protection Committee – Report to the 88th Legislature

Abiy Berehe (TCEQ) reported that the TGPC Legislative Report Subcommittee was re-activated at the TGPC meeting on January 12, 2022, to prepare the *Activities and Recommendations of the Texas Groundwater Protection Committee: A Report to the 88th Texas Legislature (“Legislative Report”)*. The Legislative Report Subcommittee met on March 9, 2022, and they reviewed the process and timeline for the completion of the *Legislative Report* and the statute that created the TGPC.

The Subcommittee members worked on various recommendations that pertained to the protection of groundwater quality in the state. The draft recommendations file was distributed to the Subcommittee members on April 1, 2022, and it included recommendations from TGPC white papers that had been approved in FY 2021 and FY 2022.

The next TGPC Legislative Report Subcommittee meeting was scheduled for June 8, 2022, when members would finalize the draft *Legislative Report* and update the TGPC’s activities. The final draft would be sent to the Committee members before the TGPC meeting in July 2022 when it would be presented for member approval. TCEQ staff would seek member agencies’ management review and concurrence before August 31, 2022. If there was a need for the Legislative Report Subcommittee to work on any new recommendation(s), TCEQ staff would schedule a meeting in September 2022. The final version of the *Legislative Report* would be presented for Committee approval at the

TGPC meeting in October 2022, and TCEQ staff would seek approval to make any non-substantive changes required during the publication process. The Legislative Report Subcommittee planned to distribute the final report to the Legislature in December 2022 before the session began in January 2023.

Quadrennial Rules Review for 31 TAC Chapter 601, Groundwater Contamination Report – Discuss and Approve Readoption of the Rules

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) reported that no public comments had been received regarding the *Texas Register* notice of the TGPC’s intention to readopt their Rules during the 30-day period that ended on March 1, 2022, and he recommended that the TGPC readopt their Rules and allow TCEQ staff to make any non-substantive revisions necessary to comply with *Texas Register* requirements. David Villarreal (TDA) proposed, Larry French (TWDB) seconded, and all remaining TGPC members approved the readoption of the Committee’s Rules and publication of a notice of the readoption in the *Texas Register*, allowing TCEQ staff to make any non-substantive revisions necessary to comply with *Texas Register* requirements.

Set Future Meeting Date

The next TGPC quarterly meeting was scheduled for July 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 seven times and reviewed 10 groundwater contamination cases, and 84 notices had been sent to the potentially affected private water well owners and users.

Groundwater Management Areas

Larry French (TWDB) reported that:

- All of the Groundwater Management Areas (GMAs) had met their statutory deadline of January 5, 2022, for the submission to TWDB of the adopted Desired Future Conditions (DFCs) for their relevant aquifers; and,
- The GMAs were currently meeting again in order to exchange information and start the next round of the joint planning process.

Regional Water Planning

Larry French (TWDB) reported that:

- Regional Water Planning Groups (RWPGs) were evaluating the draft demand projections for livestock, manufacturing, and steam-electric water use; draft demand projections for other water uses would be released to RWPGs later in 2022 and in early 2023;
- Their Board had considered adopting the regional and state water planning rule updates on April 11, 2022; and,
- The working schedule for the 2026 Regional Water Plans was available on their website (https://www.twdb.texas.gov/waterplanning/rwp/planningdocu/2026/projectdocs/Working_Schedule_2026RWPs.pdf).

Groundwater Availability Modeling

Larry French (TWDB) reported of the following items.

- Recently completed work:
 - The Edwards-Trinity Regional Aquifers conceptual model (http://www.twdb.texas.gov/groundwater/models/gam/eddt_p/eddt_r.asp).
- Models on-going and nearing completion:
 - The Northern Segment of the Edwards (Balcones Fault Zone) Aquifer report was being drafted for internal review;
 - The Gulf Coast Aquifer System (Central and Southern portions) model report was in preparation and the model results would be presented to Groundwater Conservation Districts (GCDs) in GMA 15 on April 14, 2022; and,
 - The Edwards-Trinity Regional Aquifers numerical model work was underway.
- Joint Planning:
 - The Modeled Available Groundwater (MAG) reports had been issued for GMAs 3, 4, and 11, and TWDB staff were working on developing MAG estimates for the remaining GMAs.

Nonpoint Source Pollution

T.J. Helton (TSSWCB) reported that the 2022 update of the *Texas NPS Management Program* had been approved by TSSWCB, TCEQ, and the Texas Governor, and it had been submitted to the U.S. EPA on April 4, 2022.

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:

- 2021-025-331-WS – HB 1284: Injection and Geologic Storage of Carbon Dioxide;
- 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 could be found at <https://www.tceq.texas.gov/rules/whatsnew.html>.

New Publications

There were no new publications announced at the meeting.

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 was 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.

Rosario Sanchez (AgriLife Research) announced that World Water Week (<https://www.worldwaterweek.org/>) was scheduled for August 23 – September 1, 2022, in Stockholm, Sweden. Its theme was “Seeing the Unseen: The Value of Water” and there would be a focus on groundwater.

Lorrie Council (TCEQ) announced that the Ground Water Protection Council (GWPC) 2022 Annual Forum and Underground Injection Control (UIC) Conference was scheduled for June 21-23, 2022, in Salt Lake City.

8. PUBLIC COMMENT

There was no public comment at the meeting.

9. ADJOURN

Kelly Mills (TCEQ) adjourned the meeting at approximately 2:37 PM CDT.