

TEXAS GROUNDWATER PROTECTION COMMITTEE
RECORD OF MEETING
 Second Quarterly Meeting, Fiscal Year 2021

Meeting Date: January 13, 2021
 Meeting No.: 132

Place: videoconference
 Room: N/A

TABLE OF CONTENTS

MEETING HANDOUTS	3
MEETING RECORD OF JANUARY 13, 2021	4
1. PRE-MEETING REMINDERS	4
2. CALL TO ORDER AND INTRODUCTIONS	4
3. SUBCOMMITTEE REPORTS.....	4
Groundwater Issues.....	4
Public Outreach and Education.....	6
4. PRESENTATION.....	7
5. BUSINESS DISCUSSION AND POSSIBLE ACTION.....	7
<i>Activities and Recommendations of the Texas Groundwater Protection Committee</i>	
– <i>Report to the 87th Legislature</i>	7
Legislative Report Subcommittee Deactivation	7
<i>Joint Groundwater Monitoring and Contamination Report – 2020</i>	8
Final Draft Update of <i>Landowner’s Guide to Plugging Abandoned Water Wells</i> .	8
Set Future Meeting Date	8
6. INFORMATION EXCHANGE FOR GROUNDWATER-RELATED	
ACTIVITIES – STATUS UPDATE	8
Groundwater Contamination Notice Coordination (Texas Water Code §26.408) .	8
Groundwater Management Areas	8
Regional Water Planning	9
Groundwater Availability Modeling.....	9
Nonpoint Source Pollution.....	9
National Groundwater Information.....	10
7. ANNOUNCEMENTS.....	10
Rules Update.....	10
New Publications	10
Upcoming Conferences.....	11
8. PUBLIC COMMENT	11
9. ADJOURN.....	11

MEETING ATTENDANCE

Committee Members

Kelly Mills

Larry French

Christopher Heiligenstein

David Villarreal

T.J. Helton

Leah Martinsson

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 State Soil and Water Conservation Board (TSSWCB)

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)

Agency Staff

Jennifer Allis

Natalie Ballew

Abiy Berehe

Alan Cherepon

Lynne Fahlquist

Grant Gibson

Cindy Hooper

Peggy Hunka

Kathy McCormack

Claire Satterwhite

Rebecca Storms

Scott Underwood

Affiliation

TCEQ

TWDB

TCEQ

TCEQ

United States Geological Survey (USGS)

TCEQ

TCEQ

TCEQ

TCEQ

RRC

TWDB

TCEQ

Program

Water Availability Division

Water Availability Division

Water Availability Division

Water Availability Division

Water Availability Division

Water Availability Division

Water Availability Division

Water Availability Division

Interested Parties

Ken Kramer

Teres McCaine

Gregory Messer

Eric Pastor

Peyton Schumann

Sharon Salinas

Megan Stroud

Affiliation

Sierra Club – Lone Star Chapter

SEC, LLC

Golder Associates

Texas and Southwestern Cattle Raisers Association

Water District Management

Montrose Environmental Group

MEETING HANDOUTS

1. Agenda for Texas Groundwater Protection Committee meeting on January 13, 2021
2. Record for Texas Groundwater Protection Committee meeting on October 21, 2020
3. Summary of Texas Groundwater Protection Committee (TGPC) Groundwater Issues (GWI) Subcommittee Meetings, December 9, 2020
4. Summary of Texas Groundwater Protection Committee (TGPC) Public Outreach and Education (POE) Subcommittee Meeting, December 9, 2020
5. *Activities and Recommendations of the Texas Groundwater Protection Committee – Report to the 87th Legislature* (TCEQ publication SFR 047/20, January 2021, https://www.tceq.texas.gov/assets/public/comm_exec/pubs/sfr/047-20.pdf)
6. *Joint Groundwater Monitoring and Contamination Report – 2020*, Draft Table of Contents
7. Final Draft Update of *Landowner’s Guide to Plugging Abandoned Water Wells* (TCEQ publication RG-347)
8. TCEQ Rules Update, 1/11/2021
9. *Status of Corrective Action at Petroleum-contaminated Sites* (TCEQ publication SFR-113/20, November 2020, https://www.tceq.texas.gov/assets/public/comm_exec/pubs/sfr/113-20.pdf)
10. 2021 Water-related Conferences in Texas, January 2021

MEETING RECORD OF JANUARY 13, 2021

1. PRE-MEETING REMINDERS

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

2. CALL TO ORDER AND INTRODUCTIONS

Due to the COVID-19 pandemic, on March 16, 2020, in accordance with section 418.016 of the Texas Government Code, Governor Abbott suspended various provisions of the Open Meetings Act that require government officials and members of the public to be physically present at a specified meeting location. Pursuant to that suspension, the TGPC met via videoconference.

Kelly Mills (TCEQ), Designated Chairman of the Texas Groundwater Protection Committee (TGPC), called the meeting to order at approximately 1:06 PM CST and called the roll of TGPC members. The representatives from the Texas Department of State Health Services (DSHS) and Texas A&M AgriLife Research (AgriLife Research) were not present at the meeting.

3. SUBCOMMITTEE REPORTS

Groundwater Issues

Kathy McCormack (TCEQ) reported that the TGPC GWI Subcommittee last met on December 9, 2020 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://tgp.texas.gov/tgpc-subcommittees/tgpc-groundwater-issues-subcommittee/>), under the “Additional Resources” heading) was reviewed.

- Fiscal Year (FY) 21 would only include Cooperative Pesticide Groundwater Monitoring with TWDB and immunoassay analysis would only include atrazine and 2,4-D;
- The USGS no longer conducted annual national pesticide groundwater monitoring, so the TCEQ Interagency Pesticide Database (IPD) was updated to only include the cooperative monitoring data from 2020;
- The FY21 Pesticide Management Plan (PMP) for the Implementation of the *Texas State Management Plan for Prevention of Pesticide Contamination of Groundwater Quality Assurance Project Plan (QAPP)* was approved by U.S. Environmental Protection Agency (EPA) on September 30, 2020;
- The Pesticides of INterest Tracking System (POINTS) Pesticide Assessment Database update was scheduled for completion by December 2020; and,

- The Region 6 U.S. EPA/States/Tribes pesticide meeting was held virtually on October 27 and 28, 2020 with the following highlights:
 - COVID-19 issues continued to impact grant efforts;
 - There were significant changes/updates to the pesticides in water section of the cooperative grant agreement which would be required for FY22; details were part of the draft 2022 – 2025 cooperative grant guidance;
 - There was considerable discussion on COVID-19 disinfectants and related products, especially for schools and childcare businesses, including training in Texas;
 - Hemp and medical marijuana includes many non-registered growers, some of which were testing pesticides on hemp prior to using them on the medical marijuana; there had been a lot of hemp crop failure, so there should be less acres of it planted in coming years;
 - TDA participated in a webinar on pesticide imports on November 10, 2020 and had one pesticide collection event in Lubbock this year; and,
 - One major pollinator protection issue involved apiaries not reporting their hive locations.

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 – 2019* (“*Joint Report*”, SFR-056)
 - The 2019 *Joint Report* was available on the TGPC Publications webpage (<https://tgpc.texas.gov/tgpc-publications/#Current>) as well as the TCEQ website (<https://www.tceq.texas.gov/publications/sfr/056>);
 - Notification of the availability of the 2019 *Joint Report* was mailed in September 2020 to county judges, county health officials, and Groundwater Conservation Districts (GCDs); and,
 - Preparation for the 2020 *Joint Report* would begin in January 2021.
- *Activities and Recommendations of the Texas Groundwater Protection Committee: Report to the 87th Legislature* (“*Legislative Report*”, SFR-047)
 - The draft report was in the process of being published by TCEQ and it was anticipated to be distributed to the Texas Legislature in December 2020.
- *Landowner’s Guide to Plugging Abandoned Water Wells* (“*Plugging document*”, RG-347)
 - The POE Subcommittee was reviewing the Plugging document for possible substantive updates.

The following current groundwater issues were discussed:

- Oil and Gas Produced Water;
- Emerging Contaminants;
- Brackish Groundwater; and,
- Others (i.e., an Edwards Aquifer Protection Plan (EAPP) Wastewater Study and the Permanent Forum of Binational Waters’ “U.S.-MX Transboundary Groundwater Conference: Innovation and Creativity – Strategies for Unprecedented Challenges” virtual conference on October 14 – 15, 2020).

As required by the GWI Subcommittee's *Charge* (https://tgpc.texas.gov/wp-content/themes/responsive/subcommittees/gwissues/GWI_SubComm_Charge10Jul2019.pdf), an initial draft of the TGPC GWI Subcommittee Fiscal Year 2022 – 2023 *Activity Plan* was reviewed and it would be discussed again at the next meeting.

Ken Rainwater (TTU) reviewed the updated outline of the Aquifer Storage and Recovery (ASR) white paper and TWDB's feedback on it.

Diane Boellstorff (Texas A&M AgriLife Extension Service, AgriLife Extension) reviewed an updated draft of the *How is Groundwater Quality Affected by Wellhead Impacts from Flooding during Natural Disasters?* white paper. GWI Subcommittee members were invited to provide feedback and an updated draft of the white paper would be presented at the next meeting.

David Gunn (TDLR) announced that Adam Foster (TDLR) should be providing an initial draft of the white paper related to Abandoned Water Wells at the next meeting.

The next TGPC GWI Subcommittee meeting was scheduled for March 3, 2021.

Public Outreach and Education

Peggy Hunka (TCEQ) reported that the TGPC POE Subcommittee last met on December 9, 2020 and eight state agencies and organizations were represented.

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

- AgriLife Extension Water Well Screening Events
 - There was one screening event in Limestone County; and,
 - A screening event was planned for the spring of 2021 in Falls County.
- TGPC Exhibit Booth
 - There were no exhibit booth events in the past quarter.

Joel Pigg (AgriLife Extension) reviewed the Texas Well Owner Network (TWON) schedule of completed, confirmed, water well one-day training events and workshops which showed that there had been over 10,129 samples or attendees at TWON events since April 2011 and 2,225 in the current grant cycle.

The Google Analytics activity report on the TGPC website for September 1, 2020 through November 30, 2020 was reviewed.

TGPC Groundwater Educational Outreach Plan Topic Updates:

- Abandoned water wells – David Gunn (TDLR) reported that there was no new information at that time and welcomed Joel Pigg (AgriLife Extension) as a champion of the topic. David Gunn (TDLR) and David Van Dresar (TAGD) were the other two champions.

- Texas Evapotranspiration (ET) Networks – Guy Fipps (AgriLife Extension) gave a report on the status of the ET Network. The *Water My Yard* app uses ET data and was being promoted in Houston and Galveston. The Texas Mesonet gathers data on solar radiation and that data was being incorporated into the ET Network. Julia Stanford (TAGD) reported on a webinar entitled “Open ET” which is a mapping platform developed in partnership with the Environmental Defense Fund, NASA, and Google Earth. A link to the webinar had been posted for anyone who was interested.
- Septic tanks – Anish Jantrania (AgriLife Extension) reported that he had read the article discussed at the last POE meeting and he sent a survey to septic tank companies. He would report the results of that survey at the next meeting. He said that sea level rise was also a concern and that he was working with organizations on the Texas coast on those issues.

Cindy Hooper (TCEQ) gave an update on the status of TGPC publications.

Peggy Hunka (TCEQ) opened a discussion on the *Landowner’s Guide to Abandoned Water Wells*. David Gunn (TDLR) made a few suggested changes and the POE Subcommittee voted to send the document to the Committee for publication approval.

Two new Frequently Asked Questions (FAQs) and/or fact sheets were discussed:

- A guide to preparing a water well for an upcoming flood or storm; and,
- Water well sampling requirements for real estate transactions.

The next TGPC POE Subcommittee meeting was scheduled for March 3, 2021.

4. PRESENTATION

There was no presentation at the meeting. However, Kelly Mills (TCEQ) asked if there was interest in having a presentation at the next meeting and, if so, if there were suggestions for presentation topics and speakers. Several TGPC members offered to give presentations and TCEQ staff will follow up on the suggestions.

5. BUSINESS DISCUSSION AND POSSIBLE ACTION

Activities and Recommendations of the Texas Groundwater Protection Committee – Report to the 87th Legislature

Abiy Berehe (TCEQ) reported that the *Legislative Report* was published last month, posted on the TCEQ and TGPC websites, and distributed electronically to Texas elected officials. Hard copies of the report were also available, if desired.

Legislative Report Subcommittee Deactivation

With its most recent work completed, Kelly Mills (TCEQ) announced that it was time to deactivate the Legislative Report Subcommittee. Larry French (TWDB) proposed, Bridget Scanlon (UTBEG) seconded, and all remaining TGPC members approved

deactivation of the TGPC Legislative Report Subcommittee pending its re-activation in January 2022 in order to prepare the TGPC's next *Legislative Report*. David Villarreal (TDA) indicated that he would share both the TGPC's recent *Legislative Report* with the Water Conservation Advisory Council (WCAC) and the recent WCAC *Legislative Report* with the TGPC.

Joint Groundwater Monitoring and Contamination Report – 2020

Cindy Hooper (TCEQ) reported that work on the 2020 *Joint Report* had begun and no major changes were planned from the previous version. David Villarreal (TDA) proposed, T.J. Helton (TSSWCB) seconded, and all remaining TGPC members approved the format and content of the TGPC's next *Joint Report*, allowing TCEQ staff to make any non-substantive changes required for publication on the TCEQ website. TCEQ staff would prepare the TGPC's next *Joint Report* for publication in 2021.

Final Draft Update of Landowner's Guide to Plugging Abandoned Water Wells

Peggy Hunka (TCEQ) presented the final draft update of the *Landowner's Guide to Plugging Abandoned Water Wells* which had been approved by the TGPC POE Subcommittee. David Gunn (TDLR) proposed, Bridget Scanlon (UTBEG) seconded, and all remaining TGPC members approved the final draft of the *Landowner's Guide to Plugging Abandoned Water Wells*, allowing TCEQ staff to make any non-substantive changes required for publication on the TCEQ website. TCEQ staff would work to complete the publication process as soon as possible.

Set Future Meeting Date

The next TGPC quarterly meeting was scheduled for April 14, 2021 at 1:00 PM CDT.

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 three times and reviewed five groundwater contamination cases, and 31 notices had been sent to the affected private water well owners and users.

Groundwater Management Areas

Leah Martinsson (TAGD) reported that all Groundwater Management Areas (GMAs) had been meeting, either virtually or in person. A number of GMAs had their proposed Desired Future Conditions (DFCs) out for comment and a few were working on their explanatory reports. The proposed DFCs are due to TWBD in May 2021. In addition, TAGD had surveyed their members in the summer of 2020 regarding anticipated

significant changes to their future DFCs (e.g., due to updated Groundwater Availability Models (GAMs), new groundwater production data, DFC monitoring, newly-designated and newly-relevant aquifers, and new areas added to the GCD), and some of this information was submitted to the Texas House Committee on Natural Resources related to their Interim Charge on DFC monitoring and compliance.

Regional Water Planning

Larry French (TWDB) reported that:

- Their Board would consider approving all 16 of the 2021 Regional Water Plans (RWPs) at their January 19, 2021 meeting, and these RWPs contribute directly to the 2022 State Water Plan;
- The sixth cycle of Regional Water Planning for the development of the 2026 RWPs would begin in 2021 with initial contracts being executed by end of August 2021; and,
- They had contracted with UTBEG to update mining use projections (e.g., the current and historical water use for hydraulic fracturing, identification of water sources for hydraulic fracturing, projected water use for oil and gas production, lignite coal mining, and aggregate production) for the 2026 RWPs (<https://www.twdb.texas.gov/waterplanning/data/projections/MiningStudy/index.asp>).

Groundwater Availability Modeling

Larry French (TWDB) reported on the following items:

- They were releasing a new version of the model for the central portion of the Carrizo-Wilcox, Queen City, and Sparta aquifers, and additional information from the Vista Ridge wellfield was included in the latest version of the model;
- They were reviewing the final deliverable for the update to the northern portion of the Carrizo-Wilcox, Queen City, and Sparta aquifers, and the new model should be released in the next couple of months; and,
- An update on these models was provided:
 - Calibration of the updated model for the northern segment of the Edwards (Balcones Fault Zone) Aquifer and underlying Trinity Aquifer (southern Bell County, Williamson, and northern Travis County) was underway; and,
 - A stakeholder meeting was held in December 2020 for the conceptual model for the Marathon Aquifer and work was now underway on this project.

Nonpoint Source Pollution

T.J. Helton (TSSWCB) reported that they were wrapping up their 2020 Nonpoint Source (NPS) annual report which was due to the U.S. EPA by the end of January 2021, as well as kicking off the 2022 update of the five-year Texas Nonpoint Source Management Program comprehensive plan.

National Groundwater Information

There was no discussion of this topic at the meeting.

7. ANNOUNCEMENTS

Rules Update

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

- 2016-022-331-WS – Permit Streamlining Pre-Injection Units (PIUs);
- 2020-011-291-OW – HB 3542 and SB 700: Regulation of Utilities;
- 2020-018-039-LS – Amend Public Notice & Participation Requirements;
- 2020-014-307-OW – Triennial Review of 30 TAC Chapter 307, Texas Surface Water Quality Standards (TSWQS); and,
- 2020-048-311-OW – Sand Mining Best Management Practices in the San Jacinto River Watershed.

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

Larry French (TWDB) reported that their Board was considering the adoption of amendments to their groundwater management rules related to brackish groundwater production zones in response to HB 722 from the last legislative session and information on this could be found on their website.

David Gunn (TDRL) reported that their Water Well Driller and Pump Installer Program rules were undergoing Quadrennial Rule Review.

New Publications

In addition to the recently-published *Activities and Recommendations of the Texas Groundwater Protection Committee – Report to the 87th Legislature* (TCEQ publication SFR 047/20, January 2021,

https://www.tceq.texas.gov/assets/public/comm_exec/pubs/sfr/047-20.pdf), Kelly Mills (TCEQ) announced one additional TCEQ publication:

- *Status of Corrective Action at Petroleum-contaminated Sites* (TCEQ publication SFR-113/20, November 2020, https://www.tceq.texas.gov/assets/public/comm_exec/pubs/sfr/113-20.pdf).

Kelly Mills (TCEQ) noted that the *Priority Groundwater Management Areas and Groundwater Conservation Districts, Report to the 87th Legislature* was in the process of being published and it should be finalized soon.

Upcoming Conferences

Kelly Mills (TCEQ) referred TGPC members to the conferences listed in the “2021 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 registration was available on their website for their Business Meeting on January 26 – 27, 2021.

Kelly Mills (TCEQ) announced that the pdf file for the TGPC’s annual poster for National Groundwater Awareness Week during March 7 – 13, 2021 would be sent to TGPC members and posted on the TGPC website.

8. PUBLIC COMMENT

There was no public comment at the meeting.

9. ADJOURN

Kelly Mills (TCEQ) adjourned the meeting at approximately 1:59 PM CST.