

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

Meeting Date: July 14, 2021
 Meeting No.: 134

Place: videoconference
 Room: N/A

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MEETING ATTENDANCE

Committee Members

Kelly Mills

Natalie Ballew

James Harcourt

Eric Lawrence

David Villarreal

David Van Dresar

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 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

Abiy Berehe

Alan Cherepon

Dex Dean

Lynne Fahlquist

Grant Gibson

Jason Godeaux

Christopher Heiligenstein

Cindy Hooper

Peggy Hunka

Kathy McCormack

Scott Underwood

Leslie Vallecillo

Marcia Workman

Affiliation

Program

TCEQ

Water Availability Division

TCEQ

Water Availability Division

RRC

United States Geological Survey (USGS)

TCEQ

Water Availability Division

TCEQ

Water Availability Division

RRC

TCEQ

Water Availability Division

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Water Availability Division

Interested Parties

Kaela Champlin

Sarah Fakhreddine

Joaquin Gonzalez

Sarah Kirkle

Ken Kramer

Terese McCaine

Eric Pastor

Affiliation

City of Austin

The University of Texas at Austin

Baker Botts, LLP

Texas Water Conservation Association

Sierra Club – Lone Star Chapter

SEC, LLC

Golder Associates

MEETING HANDOUTS

1. Agenda for Texas Groundwater Protection Committee meeting on July 14, 2021
2. Record for Texas Groundwater Protection Committee meeting on April 14, 2021
3. Summary of Texas Groundwater Protection Committee (TGPC) Groundwater Issues (GWI) Subcommittee Meetings, June 2, 2021
4. Summary of Texas Groundwater Protection Committee (TGPC) Public Outreach and Education (POE) Subcommittee Meeting, June 2, 2021
5. *How is Groundwater Quality Affected by Wellhead Impacts from Flooding During Natural Disasters?* white paper
6. *TGPC GWI Subcommittee Fiscal Year 2022 – 2023 Activity Plan*
7. TCEQ Rules Update, 07/12/2021
8. *Landowner's Guide to Plugging Abandoned Water Wells* (TCEQ publication RG-347, April 2021, https://www.tceq.texas.gov/assets/public/comm_exec/pubs/rg/rg-347.pdf)
9. 2021 Water-related Conferences in Texas, July 2021

MEETING RECORD OF JULY 14, 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 CDT and called the roll of TGPC members. The representatives from Texas State Soil and Water Conservation Board (TSSWCB) 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 June 2, 2021 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:

- During the annual TCEQ Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) grant readiness review on April 26, 2021, the spectrophotometer stopped working. It was sent in for repair and TCEQ was waiting on a purchase order for the work. The cooperative monitoring analyses were on hold until the repairs could be made.
- The Region 6 U.S. Environmental Protection Agency (EPA)/States/Tribes pesticide Spring meeting was held virtually May 17-18, 2021, and it was hosted by New Mexico. There was nothing specific to groundwater in the meeting, but the agenda and a meeting summary were available upon request. The next meeting was scheduled for October 2021, and it was typically hosted by Region 6 U.S. EPA in Dallas, but no specific date had been set.

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 – 2020* (“*Joint Report*”, SFR-056)
 - TCEQ staff were finalizing the content of the 2020 *Joint Report* and anticipated sending the report to publication in June 2021.
- Groundwater Assessment for the *2022 Texas Integrated Report for Clean Water Act Sections 305(b) and 303(d)* (“*Texas Integrated Report*”)
 - TCEQ staff would begin work on the Groundwater Assessment portion of this biennial report in September 2021.
- *Activities and Recommendations of the Texas Groundwater Protection Committee: Report to the 88th Legislature* (“*Legislative Report*”, SFR-047)
 - The next *Legislative Report* will be prepared in advance of the 88th Legislature.
- *Landowner’s Guide to Plugging Abandoned Water Wells* (“*Plugging document*”, RG-347)
 - The updated publication was available at https://www.tceq.texas.gov/assets/public/comm_exec/pubs/rg/rg-347.pdf.

The following current groundwater issues were discussed:

- Oil and Gas Produced Water;
- Emerging Contaminants; and,
- Brackish Groundwater.

As required by the GWI Subcommittee’s current *Activity Plan*

(https://tgpc.texas.gov/gwissues/activity_plans/TGPC_GWI_FY2020_2021_ActivityPlan_10Jul2019.pdf), the *Charge* was presented for its annual review and discussion. Chris Heiligenstein (RRC) had agreed to continue as Co-Chair for the next Fiscal Year and no additional changes were suggested, so the *Charge* would remain in effect.

Diane Boellstorff (Texas A&M AgriLife Extension Service, AgriLife Extension) reviewed the final draft of the *How is Groundwater Quality Affected by Wellhead Impacts from Flooding during Natural Disasters?* white paper. The white paper was approved by the members and it would be presented to the TGPC for approval at their next meeting. Diane Boellstorff (AgriLife Extension) was thanked for her year of effort on this white paper.

Ken Rainwater (Texas Tech University, TTU) reported that TCEQ staff, a TTU intern at TCEQ, and UTBEG staff would be developing the Aquifer Storage and Recovery (ASR) white paper this summer. An initial draft of the white paper was expected at the next meeting.

There was no update on the Abandoned Water Wells white paper.

Guy Fipps (AgriLife Extension) reviewed an initial draft of the ET Networks white paper and requested feedback from the members. An updated draft of the white paper would be provided at the next meeting.

As required by the GWI Subcommittee's *Charge* (https://tgpc.texas.gov/wp-content/themes/responsive/subcommittees/gwissues/GWI_SubComm_Charge10Jul2019.pdf), the final draft of the TGPC GWI Subcommittee Fiscal Year 2022 – 2023 *Activity Plan* was approved by the members and it would be presented to the TGPC for approval at their next meeting.

The next TGPC GWI Subcommittee meeting was scheduled for September 15, 2021.

Public Outreach and Education

Peggy Hunka (TCEQ) reported that the TGPC POE Subcommittee last met on June 2, 2021, and seven 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 were three screening events in west Texas; and,
 - Five screening events were planned for the spring of 2021 in Falls County.
- TGPC Exhibit Booth
 - There were no exhibit booth events in the past quarter.

John Smith (AgriLife Extension) reviewed the Texas Well Owner Network (TWN) schedule of completed and confirmed water well one-day training events and workshops which showed there had been over 10,419 samples or attendees at TWON events since April 2011.

The Google Analytics activity report on the TGPC website for March 1, 2021 through June 30, 2021 was reviewed. An internal spamming incident had been discovered, and the POE Subcommittee discussed actions that could prevent spamming in the future.

TGPC Groundwater Educational Outreach Plan Topic Updates:

- Abandoned wells – David Gunn (TDLR) reported no new information, but he said that they were getting questions about cisterns. TDLR has no jurisdiction over cisterns or hand-dug wells and it was suggested that a Frequently Asked Questions (FAQ) about them would be helpful. David Gunn (TDLR) said he would write a draft FAQ.
- Texas Evapotranspiration (ET) Networks – Guy Fipps (AgriLife Extension) reported that the ET FAQ did need to be updated and a draft was submitted for review. The FAQ would be emailed to POE Subcommittee members prior to the next meeting for their review. Guy Fipps (AgriLife Extension) also reported that the Galveston Bay Foundation received a U.S. EPA Gulf of Mexico grant to further the Water My Yard program in the Houston area. There would be a multi-media event for this program over the summer, and Kathy McCormack (TCEQ) suggested monitoring the Water My Yard website's activity to see how effective this outreach was.
- Septic tanks – No report.

Alan Cherepon (TCEQ) prepared a draft FAQ titled *Preparing Water Wells Before a Flood* and he stated that it had been reviewed by some of the POE Subcommittee members. There were minor edits and the suggestion to add the standard TGPC FAQ paragraph at the end. The edits would be made and the draft would be sent to POE Subcommittee members for review before the next meeting.

The POE Subcommittee briefly discussed the draft FAQ titled *Real Estate Transactions and Water Wells*. It would be ready for final review by the next POE Subcommittee meeting.

The next TGPC POE Subcommittee meeting was scheduled for September 15, 2021.

4. PRESENTATION

There was no presentation at the meeting.

5. BUSINESS DISCUSSION AND POSSIBLE ACTION

Agency Legislative Roundtable Discussion

Natalie Ballew (TWDB) reported that there were a handful of bills that passed, including TWDB Legislative Priority bills and other bills which affected TWDB funds and TWDB-funded and -managed projects, but they were not related to groundwater. However, they would be watching to see if any of the groundwater bills that did not pass made it into the special session(s). Groundwater bills that passed which impacted the TWDB included:

- Senate Bill (SB) 601 by Chairman Charles Perry relating to the creation and activities of the Texas Produced Water Consortium.
 - SB 601 created the Texas Produced Water Consortium to study the economics and technology related to the beneficial uses of fluid oil and gas waste. The Consortium would consist of TTU as the host university; an agency advisory council, composed of representatives from TDA, Texas General Land Office (GLO), Texas Parks and Wildlife Department (TPWD), RRC, State Energy Conservation Office (SECO), TCEQ, Texas Economic Development and Tourism Office (Office of the Governor), and TWDB; a stakeholder advisory council; a technical and economic steering committee; and private entities.
 - TWDB would need to designate a representative to serve on the Consortium's agency advisory council.
 - SB 1 Rider 23 – Appropriated \$500,000 per year for the Consortium. This would require an interagency contract to transfer funds from TWDB to Texas Tech University.
- SB 1, General Appropriations, Rider 4 which authorized transfers and appropriations to the Water Assistance Fund.
 - Rider 4 added the contents of former Rider 24 (Study of Aquifers and Brackish Groundwater), which allowed the funds associated with Rider 4 to be transferred into the Water Assistance Fund No. 480.

- SB 1, General Appropriations, Rider 25 related to a Val Verde County Groundwater Study.
 - This rider directed TWDB to use an existing 2018 study regarding groundwater resources in Val Verde County to identify possible groundwater use planning strategies; authorized TWDB, TPWD, or the board of a Groundwater Conservation District (GCD) to develop guidelines or standards for groundwater use; and authorized TWDB to adopt rules to carry out the provisions of the rider.

Natalie Ballew (TWDB) added that they would be under Sunset Review during the next legislative session.

James Harcourt (RRC) reported that SB 601 was the only recent groundwater-related legislation that affected his agency.

David Villarreal (TDA) reported that no recent groundwater-related bills were passed which affected his agency; however, other bills which passed that were of interest to the TGPC included:

- House Bill (HB) 2004 which limited liability in connection with certain prescribed burns which can improve surface water quality; and,
- SB 1, General Appropriations, Rider 28 related to the application of warfarin near surface water bodies to control feral hogs.

David Villarreal (TDA) added that:

- They would continue to participate in a Task Force regarding agriculture infrastructure that should be considered critical; and,
- They were reauthorized after Sunset Review this year.

David Gunn (TDLR) reported that they were also reauthorized after Sunset Review this year, and although some bills were passed that affected other TDLR programs (e.g., one that gave TDLR more authority related to human trafficking), none were related to groundwater.

David Van Dresar (TAGD) reported that no recent groundwater-related bills were passed which affected his organization, but they would be monitoring the special session(s) for any that might.

Eric Lawrence (DSHS) reported the no recent groundwater-related bills were passed which affected his agency.

Sarah Fakhreddine (UTBEG) reported that no recent groundwater-related bills were passed which affected her organization.

Kelly Mills (TCEQ) reported that, in addition to SB 601, two additional bills passed that impacted TCEQ and were of interest to the TGPC:

- SB 3 by Senator Charles Schwertner relating to preparing for, preventing, and responding to weather emergencies and power outages and increasing the amount of

administrative and civil penalties. Specifically, for TCEQ, this bill amended the Texas Water Code (TWC), Chapter 13, requiring implementation of Emergency Preparedness Plans (EPP) statewide. Only Harris and Fort Bend Counties had been required to implement EPPs under TWC Section 13.1395. TCEQ would be required to adopt rules to implement the new section; create templates; inspect each affected utility; provide financial, managerial, and technical assistance; and coordinate with the Public Utility Commission of Texas (PUC). In addition, TCEQ was to coordinate with the Texas Department of Transportation (TxDOT), Texas Division of Emergency Management (TDEM), Office of the Governor, and PUC to develop and implement an alert to be activated when the power supply may be inadequate to meet demand.

- SB 905 by Chairman Charles Perry relating to guidance on the regulations applicable to the potable reuse of wastewater. The bill amended the Texas Health and Safety Code by adding a new section requiring TCEQ to develop and make available a regulatory guidance manual to the public about the rules that apply to “direct potable reuse” which is defined as the introduction of treated reclaimed water either directly into a potable water system or the raw water supply entering a drinking water treatment plant.

Kelly Mills (TCEQ) added that:

- They would also be under Sunset Review during the next legislative session;
- TCEQ’s Self-Evaluation Report was due September 1, 2021; and,
- He had been assigned to the agency’s Sunset Team effective July 1, 2021.

Bridget Scanlon (UTBEG) joined at approximately 1:32 PM CDT and was present for the remainder of the meeting.

How is Groundwater Quality Affected by Wellhead Impacts from Flooding During Natural Disasters? White Paper

Kathy McCormack (TCEQ) presented the *How is Groundwater Quality Affected by Wellhead Impacts from Flooding during Natural Disasters?* white paper to the TGPC for approval and noted that Diane Boellstorff (AgriLife Extension) had developed and finalized the white paper over the past year. David Van Dresar (TAGD) proposed, Bridget Scanlon (UTBEG) seconded, and all remaining TGPC members approved the white paper. The white paper would be posted on the TGPC website.

TGPC GWI Subcommittee Fiscal Year 2022 – 2023 Activity Plan

Kathy McCormack (TCEQ) presented the *TGPC GWI Subcommittee Fiscal Year 2022 – 2023 Activity Plan* (“*Activity Plan*”) to the TGPC for approval and noted that it listed the GWI Subcommittee’s accomplishments over the previous two years as well as the white paper topics that they would be working on during the upcoming biennium. David Gunn (TDLR) proposed, David Villarreal (TDA) seconded, and all remaining TGPC members approved the *Activity Plan*. The *Activity Plan* would be posted on the TGPC website.

Set Future Meeting Date

The next TGPC quarterly meeting was scheduled for October 20, 2021 at 1:00 PM CDT as an in-person meeting due to the lifting of Open Meetings Act (OMA) suspensions on September 1, 2021 (<https://www.texasattorneygeneral.gov/open-government/open-meetings-act-suspension-updates>).

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 four times and reviewed eight groundwater contamination cases, and that 39 notices had been sent to the affected private water well owners and users.

Groundwater Management Areas

David Van Dresar (TAGD) reported that the Groundwater Management Areas (GMAs) were in the public comment period for their proposed Desired Future Conditions (DFCs) which were due to TWDB in early January 2022.

Regional Water Planning

Natalie Ballew (TWDB) reported that:

- The 2022 State Water Plan was approved on July 7, 2021, and the interactive version was available on their website (<https://texasstatewaterplan.org/statewide>); and,
- Regional planning groups were in the pre-planning stages for the sixth planning cycle.

Groundwater Availability Modeling

Natalie Ballew (TWDB) reported that they were planning research projects for the next biennium and that progress was continuing with several other Groundwater Availability Models (GAMs):

- Conceptual model for the Cross Timbers Aquifer;
- Conceptual model for the Marathon Aquifer;
- Upgrade of the Southern Carrizo-Wilcox, Queen City, and Sparta Aquifers GAM;
- Upgrade of the Edwards-Trinity (Plateau) and Hill Country Trinity Aquifers GAMs and associated research projects (recharge, groundwater-surface water interaction, pumping); and,
- Development of the Blossom Aquifer GAM.

Nonpoint Source Pollution

There was no discussion of this topic at the meeting.

National Groundwater Information

Kelly Mills (TCEQ) announced that the Ground Water Protection Council (GWPC) 2021 Annual Forum was scheduled for September 27 – 29, 2021 in Salt Lake City, UT.

7. ANNOUNCEMENTS

Rules Update

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

- 2020-018-039-LS – Amend Public Notice & Participation Requirements;
- 2021-004-MIS-NR – Texas Nonpoint Source (NPS) Management Program Update;
- 2020-048-311-OW – Sand Mining Best Management Practices in the San Jacinto River Watershed;
- 2020-014-307-OW – Triennial Review of 30 TAC Chapter 307, Texas Surface Water Quality Standards (TSWQS); and,
- 2020-043-OTH-NR – Renewal with Amendment of General Permit No. TXG870000.

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

Natalie Ballew (TWDB) reported that, in relation to HB 722 (86th Texas Legislative session) they had updated their rules regarding a guidance document which would detail how a GCD could request an amendment to a brackish groundwater production zone.

David Villarreal (TDA) inquired about the possibility of holding future TGPC meetings in virtual or hybrid formats for non-members. Kelly Mills (TCEQ) indicated that their agency was evaluating the OMA requirements and conference room hardware that would be needed for these types of meetings.

Lynne Fahlquist (USGS) reported that they were still being very conservative about meeting in person.

New Publications

Kelly Mills (TCEQ) announced that they had published *Landowner's Guide to Plugging Abandoned Water Wells* (TCEQ publication RG-347, April 2021, https://www.tceq.texas.gov/assets/public/comm_exec/pubs/rg/rg-347.pdf).

Natalie Ballew (TWDB) announced that they had published *Playa Lakes in the Southern High Plains: Runoff, Infiltration, and Recharge* (TWDB report 386, April 2021, https://www.twdb.texas.gov/groundwater/special_projects/playa/playa_lakes.asp).

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.

David Van Dresar (TAGD) reminded TGPC members that their annual Texas Groundwater Summit was scheduled for August 31 – September 2, 2021 in San Antonio and that more information was available on their website (<https://texasgroundwater.org/>).

David Gunn (TDLR) announced that the Texas Ground Water Association 2021 Annual Convention and Trade Show was scheduled for August 1 – 4, 2021 in San Marcos.

8. PUBLIC COMMENT

There was no public comment at the meeting.

9. ADJOURN

Kelly Mills (TCEQ) adjourned the meeting at approximately 1:57 PM CDT.