

TEXAS GROUNDWATER PROTECTION COMMITTEE
RECORD OF MEETING
 First Quarterly Meeting, Fiscal Year 2023

Meeting Date: October 19, 2022
 Meeting No.: 139

Place: TCEQ Campus, Bldg F
 Room: 5108

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MEETING ATTENDANCE

Committee Members

Kelly Mills

James Harcourt

Jessica Price

David Villarreal

T.J. Helton

David Van Dresar

Allen Berthold

Bridget Scanlon

David Gunn

Affiliation

Texas Commission on Environmental Quality (TCEQ)

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

Abiy Berehe

Alan Cherepon

Lorrie Council

Grant Gibson

Jason Godeaux

Chris Heiligenstein

Cindy Hooper

Leah Martinsson

Kathy McCormack

Justin Thompson

Scott Underwood

Margaret Willis

Affiliation

Program

TCEQ

Water Availability Division

TCEQ

Water Availability Division

TCEQ

Radioactive Materials Division

TCEQ

Water Availability Division

TCEQ

Water Availability Division

RRC

TCEQ

Water Availability Division

TAGD

TCEQ

Water Availability Division

UTBEG

TCEQ

Water Availability Division

DSHS

Interested Parties

Greg Graml

Sarah Hartzell

Diana Nichols

Jennifer Miller

Steven Nelson

Chris O'Hagan

Kayla Schnell

Jamie Shakar

Alysa Suydam

Affiliation

Lower Colorado River Authority (LCRA)

Brazos River Authority (BRA)

Kelly Hart & Hallman, LLP

BRA

Barghausen Consulting Engineers, Inc.

Vector Systems Inc.

Lee County

City of Houston Public Works

MEETING HANDOUTS

1. Agenda for Texas Groundwater Protection Committee meeting on October 19, 2022
2. Record for Texas Groundwater Protection Committee meeting on July 13, 2022
3. Summary of Texas Groundwater Protection Committee (TGPC) Groundwater Issues (GWI) Subcommittee Meeting, September 7, 2022
4. Summary of Texas Groundwater Protection Committee (TGPC) Public Outreach and Education (POE) Subcommittee Meeting, September 7, 2022
5. *Joint Groundwater Monitoring and Contamination Report – 2021*,
<https://www.tceq.texas.gov/groundwater/groundwater-planning-assessment/sfr-056-joint-groundwater-monitoring-contamination-report>
6. Final draft *Activities and Recommendations of the Texas Groundwater Protection Committee – Report to the 88th Legislature*
7. *TGPC Groundwater Issues Subcommittee Annual Report*, October 19, 2022
8. *TGPC Public Outreach and Education Subcommittee Annual Report*, October 19, 2022
9. TCEQ Rules Update, 10/18/2022
10. 2022 – 2023 Water-related Conferences in Texas, October 2022

MEETING RECORD OF OCTOBER 19, 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 videoconference or teleconference at no cost.

Kelly Mills (TCEQ), Designated Chairman of the Texas Groundwater Protection Committee (TGPC), called the meeting to order at approximately 1:36 PM CDT and called the roll of TGPC members. The designated representative or alternate from the Texas Water Development Board (TWDB) was not present at the meeting.

3. SUBCOMMITTEE REPORTS

Groundwater Issues

Chris Heiligenstein (RRC) reported that the TGPC GWI Subcommittee last met on September 7, 2022, via videoconference and 13 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 Fiscal Year (FY) 2022 Cooperative Groundwater Pesticide Monitoring program activities between TWDB and TCEQ were completed.
 - 226 samples (includes QC samples) were analyzed for atrazine by immunoassay.
 - There were two quantifiable detects with a high of 0.13 ppb and four non-quantifiable detects.
- Except for 23 blanks, all results from the Cooperative Groundwater Pesticide Monitoring program had been entered into the TCEQ Interagency Pesticide Database (IPD) – 213 samples and atrazine results were added, as well as 77 wells and springs not previously in the IPD well table. United States Geological Survey (USGS) data would be entered into the IPD in early FY 2023, and then the updated IPD would be sent to U.S. Environmental Protection Agency (EPA) Region 6 along with updated 2022 pesticide water sample results from TCEQ’s Public Drinking Water and Source Water Protection programs.

- A table-top display and staff providing information on the TGPC, including pesticide information and data, was set up at the TCEQ Annual Public Drinking Water Conference in Austin on August 9-10, 2022.
- The revised Quality Assurance Project Plan (QAPP) for the Pesticide Management Plan (PMP) for implementation of the *Texas State Management Plan for Prevention of Pesticide Contamination of Groundwater* had been sent to U.S. EPA Region 6 for review and approval for FY 2023.

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)
 - The *2021 Joint Report* was finalized in July 2022 and published online (<https://www.tceq.texas.gov/groundwater/groundwater-planning-assessment/sfr-056-joint-groundwater-monitoring-contamination-report>) in August 2022, along with an Excel file listing the groundwater contamination cases in the report.
- *Activities and Recommendations of the Texas Groundwater Protection Committee: Report to the 88th Legislature* (“*Legislative Report*”, SFR-047)
 - The Legislative Report Subcommittee had last met in June 2022, and they presented the draft report to the TGPC at its July 2022 meeting. TGPC members provided feedback and concurrence with the draft *Legislative Report* by August 31, 2022.
 - Final edits would be made and discussed at the next TGPC meeting. The *Legislative Report* for the 88th Legislature was anticipated to be published and distributed to the Texas Legislature by December 31, 2022.
- *Landowner’s Guide to Plugging Abandoned Water Wells* (“*Plugging document*”, RG-347)
 - A Spanish version of the April 2021 plugging document was recently developed and it, along with the English version, were available on the TGPC website (<https://tgpc.texas.gov/tgpc-publications/#Current>).

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

- Groundwater Assessment (AS-465/22) for the *2022 Texas Integrated Report for Clean Water Act Sections 305(b) and 303(d)* (“*Texas Integrated Report*”, <https://www.tceq.texas.gov/waterquality/assessment/22twqi/22txir>)
 - TCEQ adopted the *Draft 2022 Texas 303(d) List* on June 1, 2022, and the U.S. EPA approved the *2022 Texas 303(d) List* on July 7, 2022.
 - The 2022 Groundwater Assessment was available at <https://www.tceq.texas.gov/downloads/water-quality/assessment/integrated-report-2022/2022-groundwater-as-465-22.pdf>, and the next Groundwater Assessment would be prepared in early 2024.

- *Priority Groundwater Management Areas and Groundwater Conservation Districts, Report to the 88th Legislature (“PGMA/GCD Legislative Report”, SFR-53/22)*
 - Work on the *PGMA/GCD Legislative Report* had started between TWDB and TCEQ. TCEQ planned to distribute the report to legislative leadership in early January 2023.

The following current groundwater issues were discussed:

- Oil and Gas Produced Water;
- Emerging Contaminants;
- Brackish Groundwater;
- Evapotranspiration Networks; and,
- Others (i.e., climate-driven flooding posing well water contamination risks).

As required by the GWI Subcommittee’s current *Charge* (https://tGPC.texas.gov/wp-content/themes/responsive/subcommittees/gwissues/GWI_SubComm_Charge10Jul2019.pdf), a draft *TGPC GWI Subcommittee Fiscal Year 2022 Annual Report* was presented. The draft *Annual Report* was approved by the Subcommittee members, and it would be presented to the TGPC for approval at their next meeting.

An update to the Subcommittee’s white paper outline was also presented with an updated publication link and accessibility tagging. The outline update was approved by the Subcommittee members, and it has been posted on the TGPC website.

An initial draft of the *Prioritizing New Drinking Water Infrastructure Funding in Texas* white paper, and an initial outline of the *Potential Impacts of Unregulated Private Water Systems in Child Care Operations* white paper, were presented and discussed. Feedback was requested from Subcommittee members, and updated versions of each would be presented at the next Subcommittee meeting. A white paper related to the *Joint Report* and the challenges encountered during its preparation, issues with evaluating the data, and general trends in pollutant categories was also being considered for development.

The next TGPC GWI Subcommittee meeting was scheduled for December 7, 2022.

Public Outreach and Education

Abiy Berehe (TCEQ) reported that the TGPC POE Subcommittee last met on September 7, 2022, and nine state agencies and organizations were represented.

The Subcommittee reviewed 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):

- Texas A&M AgriLife Extension Service (AgriLife Extension) Water Well Screening Events
 - John Smith (AgriLife Extension) reported that six events covering eight counties were held in June and July 2022 with 227 attendees;

- A “Well Educated” training event was held with the Friends of the San Bernard River with 39 participants in July 2022;
- A “Well Informed” training event was held in Bexar County in July 2022 with 25 participants; and,
- The next training events were planned for October 2022.
- TGPC Exhibit Booth
 - The TCEQ Public Drinking Water Conference was held in Austin on August 9 – 10, 2022, with approximately 170 participants viewing the booth; and,
 - The TAGD Groundwater Summit was held in San Antonio on August 30 through September 1, 2022, and the booth was located where every attendee had to walk by it.

Joel Pigg (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 1,231 samples or attendees at TWON events since May 2021.

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

The draft *TGPC POE Subcommittee Fiscal Year 2022 Annual Report* was reviewed and approved for presentation at the next TGPC meeting.

There were no reports on *TGPC Groundwater Educational Outreach Plan* topics.

There was a review of the TGPC’s Frequently Asked Questions (FAQs) that needed to be updated, and each agency reviewed the FAQs written by its staff. Rebecca Storms (TWDB) would work with Alan Cherepon (TCEQ) on some of the FAQs that needed to be updated. Julia Stanford (TAGD) discussed changes to the Groundwater Conservation District (GCD) FAQs. The FAQ on how to create a GCD would be updated by TCEQ.

The next POE Subcommittee meeting was scheduled for December 7, 2022.

Legislative Report

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

4. PRESENTATION

Bridget Scanlon (UTBEG) gave a presentation on assessing linkages between drinking water quality violations and social vulnerability in the U.S. The review included the causes of those health-based Safe Drinking Water Act (SDWA) violations, their spatial and temporal variations, and how their persistence was linked to social vulnerability. After reviewing the spatial variability of Community Water Systems (CWSs) in Texas and the factors affecting their resilience to climate extremes, the study found that:

- The current U.S. EPA environmental justice screening and mapping tool was not suitable for assessing drinking water quality because it focuses primarily on air contaminants and water point source contaminants rather than on water nonpoint

source contaminates, including those that originate naturally from the geologic setting (e.g., arsenic and radionuclides) and regional nitrate contamination;

- The risk of drinking water quality violations required a hazard (i.e., a contaminant), an exposure to the hazard (i.e., through either surface water or groundwater), and vulnerability to the hazard;
- There was spatial variability in drinking water quality violations in the U.S., with high levels of Disinfectants and Disinfection Byproducts Rule (DBPR), inorganic, radionuclide, and nitrate violations in the southwest and south-central U.S.;
- Temporal variability in drinking water quality violations was related to new regulations requiring CWSs to subsequently come into compliance;
- Persistence of drinking water quality violations was linked to social vulnerability and there seemed to be some difficulty with developing mitigation strategies for these violations;
- Drinking water quality violations were predominantly found in very small to small CWSs in rural and suburban settings; and,
- They hoped to do a more detailed analysis of CWSs in Texas soon.

Bridget Scanlon (UTBEG) also noted that a white paper on this topic was being developed for the TGPC GWI Subcommittee and feedback on it was welcome.

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/>).

Jessica Price (DSHS) joined the meeting at approximately 2:12 PM and was present for the remainder of the meeting.

5. BUSINESS DISCUSSION AND POSSIBLE ACTION

Joint Groundwater Monitoring and Contamination Report – 2021

Cindy Hooper (TCEQ) reported that:

- The *2021 Joint Report* had been published online (<https://www.tceq.texas.gov/groundwater/groundwater-planning-assessment/sfr-056-joint-groundwater-monitoring-contamination-report>) and a few hard copies were also available;
- Work on the *2022 Joint Report* would begin in January 2023;
- A draft Table of Contents for the *2022 Joint Report* would be presented for approval at the next TGPC meeting; and,
- Feedback on this annual TGPC publication was always welcome.

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

Abiy Berehe (TCEQ) reported that the draft *Activities and Recommendations of the Texas Groundwater Protection Committee: A Report to the 88th Legislature* was approved at

the last TGPC meeting. The draft report was sent to the TGPC members for management review and concurrence, and all of the TGPC members had expressed their concurrence and approval. Kelly Mills (TCEQ) thanked the TGPC members for their support of this biennial TGPC publication. David Villarreal (TDA) proposed, David Van Dresar (TAGD) seconded, and all remaining TGPC members approved the TGPC's final draft *Report to the 88th Legislature*, while also allowing TCEQ staff to make any non-substantive changes required for publication on the TCEQ website. The report would be distributed to TGPC members and the Texas Legislature in December 2022 before the session began on January 10, 2023.

TGPC Groundwater Issues Subcommittee Annual Report

Chris Heiligenstein (RRC) presented the *TGPC GWI Subcommittee Fiscal Year 2022 Annual Report* highlighting FY 2022 results and FY 2023 plans. David Gunn (TDLR) proposed, James Harcourt (RRC) seconded, and all remaining TGPC members approved the *TGPC GWI Subcommittee Fiscal Year 2022 Annual Report*. The report would be posted on the TGPC website.

TGPC Public Outreach and Education Subcommittee Annual Report

Abiy Berehe (TCEQ) presented the *TGPC POE Subcommittee Fiscal Year 2022 Annual Report* highlighting FY 2022 results and FY 2023 plans. David Van Dresar (TAGD) proposed, Bridget Scanlon (UTBEG) seconded, and all remaining TGPC members approved the *TGPC POE Subcommittee Fiscal Year 2022 Annual Report*. The report would be posted on the TGPC website.

Set Future Meeting Date

The next TGPC quarterly meeting was scheduled for January 11, 2023, at 1:30 PM CST 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 four times and reviewed five groundwater contamination cases, and 10 notices had been sent to the potentially affected private water well owners and users.

Groundwater Management Areas

David Van Dresar (TAGD) reported that the Groundwater Management Areas (GMAs) had submitted their final Desired Future Conditions (DFCs) to TWDB earlier this year.

Leah Martinsson (TAGD) added that most of the GMAs had received their Managed Available Groundwater (MAG) data back from TWDB.

T.J. Helton (TSSWCB) left the meeting at approximately 2:52 PM and was absent for the remainder of the meeting.

Regional Water Planning

There was no discussion of this topic during the meeting.

Groundwater Availability Modeling

There was no discussion of this topic during the meeting.

Nonpoint Source Pollution

Kelly Mills (TCEQ) report that the *2022 Texas Nonpoint Source Management Program* was adopted by the TCEQ Commissioners on December 15, 2021, submitted to the U.S. Environmental Protection Agency by the Texas Governor's office, and approved by the U.S. EPA on August 29, 2022. This document describes the programs and practices used in Texas to reduce and prevent water pollution from nonpoint sources and highlights the Texas NPS Program's milestones and achievements. TCEQ and TSSWCB jointly update the Nonpoint Source Management Program every five years, and the 2022 edition was available on both agency websites (e.g., https://www.tceq.texas.gov/downloads/water-quality/nonpoint/plans-reports/2022-nps-management_program_sfr-68.pdf).

National Groundwater Information

There was no discussion of this topic during the meeting.

7. ANNOUNCEMENTS

Rules Update

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

- 2020-014-307-OW – Triennial Revision of Texas Surface Water Quality Standards (TSWQS);
- 2022-018-210-OW – Updates to Chapter 210 Use of Reclaimed Water; 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>.

James Harcourt (RRC) reported that they were working on their first Class VI well project in the state, and that this would soon be the largest Carbon Capture and

Sequestration (CCS) location in the world. RRC was also in the midst of doing some anthropogenic seismicity studies.

Margaret Willis (DSHS) reported that the Texas Health and Human Services Commission (HHSC) Child Care Regulations Program (CCR) is responsible for regulating licensed and registered Child Care Operations (CCOs) in the state through mandatory minimum standards. These standards are updated every six years, and CCR had recently published its draft updates for public comment. The drafts did not include any changes to the current standards relating to private water sources for CCOs, so this was an opportunity for TGPC members to provide information and suggestions for protecting children from groundwater contamination in child care settings that use private water wells. DSHS had provided a summary of this issue to the TGPC.

Kelly Mills (TCEQ) announced that Cari-Michel La Caille (TCEQ) was their new Director of the Office of Water.

New Publications

Kelly Mills (TCEQ) reported on the following TCEQ publication which was available on the TGPC homepage:

- *Joint Groundwater Monitoring and Contamination Report – 2021* (TCEQ publication SFR-56/21), <https://www.tceq.texas.gov/groundwater/groundwater-planning-assessment/sfr-056-joint-groundwater-monitoring-contamination-report>.

Upcoming Conferences

Kelly Mills (TCEQ) referred TGPC members to the conferences listed in the “2022 – 2023 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.

In the conferences list, Bridget Scanlon (UTBEG) noted the “Long-term Solutions to Improve U.S. Drinking Water Services” topic of the National Academies of Sciences, Engineering, and Medicine (NASEM) Water Science and Technology Board (WSTB) Fall 2022 Hybrid Meeting that was scheduled for November 1, 2022.

8. PUBLIC COMMENT

There was no public comment at the meeting.

9. ADJOURN

Kelly Mills (TCEQ) adjourned the meeting at approximately 3:02 PM CDT.