

GROUNDWATER ISSUES SUBCOMMITTEE  
OF THE  
TEXAS GROUNDWATER PROTECTION COMMITTEE  
RECORD OF MEETING  
Fourth Quarter Meeting, Fiscal Year 2024

Meeting Date: June 5, 2024  
Meeting No.: 38

Place: videoconference  
Room: N/A

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**MEETING ATTENDANCE**

Subcommittee Members

Kathy McCormack (Co-Chair)  
Rebecca Storms  
Eric Lawrence  
David Villarreal  
T.J. Helton

Rosario Sanchez  
John Malito

David Gunn  
Margaret Willis

Affiliation

Texas Commission on Environmental Quality (TCEQ)  
Texas Water Development Board (TWDB)  
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)  
Bureau of Economic Geology of The University of Texas at Austin (UTBEG)  
Texas Department of Licensing and Regulation (TDLR)  
Southwest Center for Pediatric Environmental Health (SWCPEH)

Agency Staff

Abiy Berehe  
Katie Brice  
Alan Cherepon  
Kristin DeBone  
Heather Dodson  
Stephanie Escobar  
Dan Hannah  
Cindy Hooper  
Peggy Hunka  
James LaManna  
Greg Sullivan  
Kory Talcott  
Scout Vanderwal

Affiliation

Program

TCEQ Water Availability Division  
TCEQ Water Availability Division  
TCEQ Water Availability Division  
TCEQ Water Quality Planning Division  
TWDB  
TCEQ Water Availability Division  
TCEQ Radioactive Materials Division  
TCEQ Water Availability Division  
TCEQ Water Availability Division  
TCEQ Water Supply Division  
TWDB  
TCEQ Water Availability Division  
DSHS

Interested Parties

Scott Crawford  
  
Diana Nichols  
Jessica Price

Affiliation

Texas Tech University Health Sciences Center (TTUHSC)  
El Paso  
Kelly Hart & Hallman, LLP  
Children’s Environmental Health Network (CEHN)

## MEETING HANDOUTS

1. Texas Groundwater Protection Committee (TGPC) Groundwater Issues (GWI) Subcommittee Meeting Agenda, June 5, 2024
2. TGPC GWI Subcommittee Meeting Record, March 20, 2024
3. TGPC Agricultural Chemicals (AgChem) Task Force (TF) Status Report, June 5, 2024
4. TGPC Publications Status Report, June 5, 2024
5. *Biden-Harris Administration Finalizes First-Ever National Drinking Water Standard to Protect 100M People from PFAS Pollution* press release, <https://www.epa.gov/newsreleases/biden-harris-administration-finalizes-first-ever-national-drinking-water-standard>
6. *Biden-Harris Administration Finalizes Critical Rule to Clean up PFAS Contamination to Protect Public Health* press release, <https://www.epa.gov/newsreleases/biden-harris-administration-finalizes-critical-rule-clean-pfas-contamination-protect>
7. *Integrated Science for the Study of Microplastics in the Environment—A Strategic Science Vision for the U.S. Geological Survey* press release, [https://pubs.usgs.gov/publication/cir1521?mc\\_cid=197560e47b&mc\\_eid=b8a03d1128](https://pubs.usgs.gov/publication/cir1521?mc_cid=197560e47b&mc_eid=b8a03d1128)
8. *Seven Central Texas Mussels Listed Under Endangered Species Act* press release, [https://www.fws.gov/press-release/2024-06/seven-central-texas-mussels-listed-under-endangered-species-act?utm\\_source=newsletter&utm\\_medium=email&utm\\_campaign=newsletter\\_axioslocal\\_austin&stream=top](https://www.fws.gov/press-release/2024-06/seven-central-texas-mussels-listed-under-endangered-species-act?utm_source=newsletter&utm_medium=email&utm_campaign=newsletter_axioslocal_austin&stream=top)
9. TGPC GWI Subcommittee Charge, [https://tgpc.texas.gov/wp-content/themes/responsive/subcommittees/gwissues/GWI\\_SubComm\\_Charge12Jul2023.pdf](https://tgpc.texas.gov/wp-content/themes/responsive/subcommittees/gwissues/GWI_SubComm_Charge12Jul2023.pdf)
10. Draft *Children’s Health and Groundwater Quality at Child Care Operations Using Private Water Wells* white paper
11. Draft *Groundwater Quality Protection Through Monitoring* white paper

## MEETING RECORD OF JUNE 5, 2024

### 1. PRE-MEETING REMINDERS

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

### 2. CALL TO ORDER AND INTRODUCTIONS

The TGPC approves all Subcommittee products and designated TGPC members attending this Subcommittee meeting participated as an employee or representative of their agency or organization, not as a designated TGPC member. Therefore, this Subcommittee meeting was not subject to the Open Meetings Act and it was held 100% virtually. The public was also able to attend this meeting via videoconference or teleconference at no cost.

Kathy McCormack (TCEQ), Co-Chair of the GWI Subcommittee, called the meeting to order at approximately 9:34 AM CDT and then called the roll of GWI Subcommittee members. The representatives from the Railroad Commission of Texas (RRC), Texas Alliance of Groundwater Districts (TAGD), Texas Parks and Wildlife Department (TPWD), Texas A&M AgriLife Extension Service (AgriLife Extension), Texas Tech University (TTU), and United States Geological Survey (USGS) were not present at the meeting.

### 3. STATUS REPORTS

#### Agricultural Chemicals Task Force

Alan Cherepon (TCEQ) reported on the Agricultural Chemicals Task Force:

- TWDB had just begun its monitoring activities for Fiscal Year (FY) 2024 which are typically conducted from April through August of each calendar year;
- A counter-top display and staff providing information on the TGPC, including pesticide information and data, was set up at the annual TCEQ Environmental Trade Fair in Austin on May 14 – 15, 2024; and,
- A U.S. Environmental Protection Agency (EPA) Federal Insecticide, Fungicide, and Rodenticide (FIFRA) Spring grant meeting for FY 2024 was held in Little Rock, AR on May 8 – 9, 2024. Alan Cherepon (TCEQ) attended the meeting virtually and reported on his work for the FIFRA Grant. Material primarily addressed the departments of agriculture at the various states and their responsibilities, aspects, and issues. Amy Camacho, the new U.S. EPA Region 6 Pesticide Section Supervisor, reported that the federal government was still dealing with the late approval of grant budgets, and that grant applications would due by the end of May 2024 in order for states to obtain grant funding in a timely manner. She also hoped to obtain the grant details for FY 2025 soon. A summary report and agenda were available upon request.

## TGPC Publications

Cindy Hooper (TCEQ) reported on the following TGPC publications:

- *Joint Groundwater Monitoring and Contamination Report – 2023* (“*Joint Report*”, TCEQ publication SFR-56)
  - Work on the 2023 *Joint Report* was in process and the report was expected to be published in June 2024.
- *Activities and Recommendations of the Texas Groundwater Protection Committee: Report to the 89th Legislature* (“*Legislative Report*”, TCEQ publication SFR-47)
  - The TGPC Legislative Report Subcommittee was reactivated during the Second Quarter FY 2024 TGPC meeting. The Subcommittee met on March 20, 2024, and would meet on June 5, 2024, to work on the *Legislative Report* for the 89th Legislature; and,
  - The *Legislative Report* for the 89th Legislature was expected to be published and distributed to the Texas Legislature by December 31, 2024.

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

- *Groundwater Assessment* (TCEQ publication AS-465) for the 2024 *Texas Integrated Report of Surface Water Quality for Clean Water Act Sections 305(b) and 303(d)* (“*Texas Integrated Report*”)
  - The 2024 *Groundwater Assessment* would be published in June 2024; and,
  - The published report would be provided to TCEQ’s Water Quality Planning Division for inclusion in the 2024 *Texas Integrated Report* submittal to the U.S. EPA.
- *Priority Groundwater Management Areas and Groundwater Conservation Districts, Report to the 89th Texas Legislature* (“*PGMA/GCD Legislative Report*”, TCEQ publication SFR-53)
  - Work on the *PGMA/GCD Legislative Report* would be initiated in the summer of 2024.

## 4. SET FUTURE MEETING DATE

The next TGPC GWI Subcommittee meeting was scheduled for Wednesday, September 18, 2024, at 9:30 AM CDT and it was planned as a videoconference.

## 5. DISCUSS CURRENT GROUNDWATER ISSUES

### Oil and Gas Produced Water

There was no discussion of this topic at the meeting.

### Emerging Chemical and Biological Contaminants

Two items related to Per- and polyfluoroalkyl Substances (PFAS) were discussed:

- On April 10, 2024, the U.S. EPA finalized the first national standard to limit certain per-and polyfluoroalkyl substances (PFAS) found in nearly half of the drinking water in the United States (<https://www.epa.gov/newsreleases/biden-harris-administration-finalizes-first-ever-national-drinking-water-standard>):
  - For perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS), the Maximum Contaminant Level Goal (MCLG), a non-enforceable health-based goal, was

set at zero. This reflected the latest science showing that there was no level of exposure to these contaminants without risk of health impacts, including certain cancers.

- The U.S. EPA was setting enforceable Maximum Contaminant Levels (MCLs) at 4.0 parts per trillion for PFOA and PFOS, individually. This standard would reduce exposure from these PFAS in drinking water to the lowest levels that were feasible for effective implementation.
  - For perfluorononanoic acid (PFNA), perfluorohexanesulfonic acid (PFHxS), and “GenX Chemicals”, the U.S. EPA was setting the MCLGs and MCLs at 10 parts per trillion.
  - Because PFAS can often be found together in mixtures, and research showed that these mixtures may have combined health impacts, the U.S. EPA was also setting a limit for any mixture of two or more of the following PFAS: PFNA, PFHxS, perfluorobutanesulfonic acid (PFBS), and “GenX Chemicals”.
  - Public Water Systems (PWSs) would have until 2027 to complete initial monitoring of the chemicals and until 2029 to purchase, install, and operate the technologies that can filter out these chemicals if they exceed the standards. PWSs must also inform the public of the level of PFAS measured in their drinking water beginning in 2027. Additional funding through the Bipartisan Infrastructure Law (BIL) would be available to help states and territories ramp up testing and treatment for these chemicals at PWSs and for owners of private wells. The U.S. EPA also had a Water Technical Assistance program to help small, disadvantaged, and rural communities access federal financing and help them develop a plan going forward.
- On April 19, 2024, the U.S. EPA designated PFAS, PFOA, and PFOS, as hazardous materials under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) which could bring a host of consequences for Superfund site cleanups and development projects (<https://www.epa.gov/newsreleases/biden-harris-administration-finalizes-critical-rule-clean-pfas-contamination-protect>). The rule required entities to immediately report releases of PFOA and PFOS that meet or exceed the “reportable quantity” (i.e., one pound within a 24-hour period) to the National Response Center, state or tribal emergency response commission, and local or tribal emergency planning committee. The U.S. EPA also issued a CERCLA enforcement discretion policy that targeted significant contributors to the release of PFAS chemicals into the environment (e.g., those that manufactured PFAS or used it in the manufacturing process, federal facilities, and other industrial parties), but said that it did not intend to pursue certain groups such as farmers, municipal landfills, water utilities, municipal airports, and local fire departments where equitable factors do not support seeking CERCLA cleanup or costs.

James LaManna (TCEQ) reported that they were already working with some PWSs on possible monitoring assistance.

An additional item related to emerging contaminants was discussed. There was a USGS press release on May 2, 2024, regarding a report that they recently published about microplastics in the environment

([https://pubs.usgs.gov/publication/cir1521?mc\\_cid=197560e47b&mc\\_eid=b8a03d1128](https://pubs.usgs.gov/publication/cir1521?mc_cid=197560e47b&mc_eid=b8a03d1128)). This strategic science vision document indicated that multiple environmental microplastic exposure

pathways to humans were likely, and evidence was growing that their bioaccumulation can potentially lead to adverse health effects. The report noted that current science gaps were complicated by the diversity of microplastics themselves, challenges in their analytical methods, and the infancy of their ecotoxicological studies.

David Villarreal (TDA) reported that PFAS issues remain a hot topic, and that microplastics, the highly pathogenic avian influenza, and other new and potentially dangerous viruses were current news items. He added that it was the 10-year anniversary of the Ebola virus appearing in Dallas, and that this event had initiated the concerns with viruses, bacterial spores, and protozoan cysts persisting in surface water.

#### Aquifer Storage and Recovery (ASR)

Rebecca Storms (TWDB) reported that the National Ground Water Association (NGWA) would be hosting a webinar addressing the risks of viruses in source waters for Managed Aquifer Recharge (MAR), particularly with the increased use of treated wastewater, on June 20, 2024.

Dan Hannah (TCEQ) added that:

- TCEQ can not allow the injection of treated wastewater into an Underground Source of Drinking Water (USDW) for Aquifer Recharge (AR) or ASR, even if it meets drinking water standards; and,
- TCEQ can not allow the injection of treated oil and gas produced water into an ASR facility, even if it meets drinking water standards, and that legislative action giving RRC jurisdiction over Class V Underground Injection Control (UIC) ASR injection would be required.

Rosario Sanchez (AgriLife Research) joined the meeting at approximately 9:59 AM CDT and was present for the remainder of the meeting.

#### Abandoned Water Wells

There was no discussion of this topic at the meeting.

#### Environmental Justice and Groundwater Access and Quality

There was no discussion of this topic at the meeting.

#### Groundwater Quality Monitoring

Rebecca Storms (TWDB) reported that their monitoring season had begun, they should wrap up in August 2024, and the Ogallala and Dockum aquifers would be their primary aquifers of interest in FY 2024.

## Brackish Groundwater

Rebecca Storms (TWDB) reported that:

- Current studies in progress included the Woodbine Aquifer, Upper Coastal Plains East (Queen City and Carrizo-Wilcox Aquifers), and Edwards-Trinity (Plateau) Aquifer; after a brackish aquifer study is completed, potential areas for Brackish Groundwater Production Zone (BGPZ) designations would be evaluated (note that the legislative deadline for designations is December 1, 2032).
- Upcoming contracted Brackish Resources Aquifer Characterization System (BRACS) projects with anticipated completion in 2026 included:
  - A survey of planned brackish groundwater projects or strategies geared toward the selection of a brackish groundwater exploration project to contribute partial funding for data collection efforts;
  - A brackish aquifer study of the Ellenburger-San Saba and Hickory Aquifers; and,
  - A brackish aquifer study of the Yegua-Jackson Aquifer.

## Evapotranspiration Networks

There was no discussion of this topic at the meeting.

## Others

On June 3, 2024, the U.S. Fish and Wildlife Service (FWS) issued a press release regarding seven central Texas freshwater mussels that were now classified under the Endangered Species Act (<https://www.kxan.com/news/texas/7-central-texas-mussels-flagged-as-endangered-threatened-species/>). Six were listed as endangered, and one was listed as threatened, along with 1,577 river miles of designated critical habitat for the seven species which are found in the Colorado, Guadalupe, Brazos, and Trinity river basins. These mussel populations had declined in recent years due to reduced water quality and habitat destruction. The affected water authorities were working with U.S. FWS to develop voluntary Candidate Conservation Agreements with Assurances (CCAAs) and a Habitat Conservation Plan (HCP).

David Villarreal (TDA) commented that this topic supported the TGPC legislative recommendation that TPWD be added as a member.

## 6. BUSINESS DISCUSSION AND POSSIBLE ACTION

### TGPC GWI Subcommittee *Charge*

As required by the GWI Subcommittee's current *Activity Plan* ([https://tgpc.texas.gov/gwissues/activity\\_plans/TGPC\\_GWI\\_FY2024\\_2025\\_ActivityPlan\\_12Jul2023.pdf](https://tgpc.texas.gov/gwissues/activity_plans/TGPC_GWI_FY2024_2025_ActivityPlan_12Jul2023.pdf)), Kathy McCormack (TCEQ) presented the TGPC GWI Subcommittee *Charge* ([https://tgpc.texas.gov/wp-content/themes/responsive/subcommittees/gwissues/GWI\\_SubComm\\_Charge12Jul2023.pdf](https://tgpc.texas.gov/wp-content/themes/responsive/subcommittees/gwissues/GWI_SubComm_Charge12Jul2023.pdf)) 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.

#### Draft *Children's Health and Groundwater Quality at Child Care Operations Using Private Water Wells* White Paper

Margaret Willis (SWCPEH) reviewed the updated draft of the *Children's Health and Groundwater Quality at Child Care Operations Using Private Water Wells* white paper noting the addition of an Executive Summary, Recommendations section, and Appendix. Eric Lawrence (DSHS) indicated that information regarding the Geographic Information Systems (GIS) methods used to support the analysis discussed in the white paper should be available by the end of June 2024. Member feedback was requested so that an updated draft could be presented at the next meeting.

#### Draft *Groundwater Quality Protection Through Monitoring* White Paper

Kathy McCormack (TCEQ) reviewed the initial draft of the *Groundwater Quality Protection Through Monitoring* white paper, particularly the notes and questions in the Survey Results, Continuing Research Needs, Recommendations Based Directly on Survey Responses, and Additional Recommendations sections. Member feedback was requested so that an updated draft could be presented at the next meeting.

T.J. Helton (TSSWCB) left the meeting at approximately 10:52 AM CDT and was absent for the remainder of the meeting.

#### Discussion of White Papers Under Development

There was no discussion of this topic at the meeting.

### 7. ANNOUNCEMENTS

Kathy McCormack (TCEQ) reported that TCEQ's Nonpoint Source Program anticipated posting its request for grant applications (RFGA) at the beginning of June 2024 and it would be open for 45 days after the posting. The RFGA for Federal FY 2025 Clean Water Act Section 319(h) grants would be posted on the State of Texas Electronic State Business Daily website (<https://www.txsmartbuy.com/>). Instructions for accessing the solicitation would be sent with the announcement of the RFGA posting, and this information would also be listed on the Nonpoint Source Program Grants webpage (<https://www.tceq.texas.gov/waterquality/nonpoint-source/grants/grant-pgm.html#grantapplications>).

### 8. PUBLIC COMMENT

There was no public comment at the meeting.

9. ADJOURN

Kathy McCormack (TCEQ) adjourned the meeting at approximately 11:08 AM CDT.