

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

Meeting Date: July 12, 2023  
 Meeting No.: 142

Place: TCEQ Campus, Bldg F  
 Room: 5108

TABLE OF CONTENTS

<b>MEETING ATTENDANCE .....</b>	<b>2</b>
<b>MEETING HANDOUTS .....</b>	<b>3</b>
<b>MEETING RECORD OF JULY 12, 2023.....</b>	<b>4</b>
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>Joint Groundwater Monitoring and Contamination Report – 2022</i> .....	7
<i>TGPC GWI Subcommittee Fiscal Year 2024 – 2025 Activity Plan</i> .....	7
<i>TGPC GWI Subcommittee Charge</i> .....	8
<i>What Did TCEQ’s Monitoring Program in Urban Areas Find in the Groundwater</i> <i>? Frequently Asked Question (FAQ)</i> .....	8
<i>How Is Pesticide Contamination of Private Water Wells Prevented ? FAQ</i> .....	8
Agency Legislative Roundtable Discussion .....	8
Set Future Meeting Date .....	13
6. INFORMATION EXCHANGE FOR GROUNDWATER-RELATED ACTIVITIES – STATUS UPDATE .....	13
Groundwater Contamination Notice Coordination (Texas Water Code §26.408)	13
Groundwater Management Areas .....	13
Regional Water Planning .....	14
Groundwater Availability Modeling.....	14
Nonpoint Source Pollution.....	14
National Groundwater Information.....	14
7. ANNOUNCEMENTS.....	15
Rules Update.....	15
New Publications .....	15
Upcoming Conferences.....	15
8. PUBLIC COMMENT .....	15
9. ADJOURN.....	16

**MEETING ATTENDANCE**

Committee Members

Kelly Mills

James Harcourt

Eric Lawrence

David Villarreal

T.J. Helton

Rosario Sanchez

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 A&M AgriLife Research (AgriLife Research)

Texas Department of Licensing and Regulation (TDLR)

Agency Staff

Abiy Berehe

Robert Bradley

Alan Cherepon

Katie Cunningham

Grant Gibson

Cindy Hooper

Peggy Hunka

Kathy McCormack

John Malito

Sara Sinha

Scott Underwood

Affiliation

Program

TCEQ Water Availability Division

Texas Water Development Board (TWDB)

TCEQ Water Availability Division

TCEQ Program Support and Environmental Assistance Division

TCEQ Water Availability Division

TCEQ Water Availability Division

TCEQ Water Availability Division

TCEQ Water Availability Division

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

TCEQ Water Availability Division

TCEQ Water Availability Division

Interested Parties

Ted Boriack

Lorrie Council

Bobby Hicks

Ella Ip

Monica Jacobs

Meghan Kondrak

Terese McCaine

Jennifer Miller

Affiliation

Ground Water Protection Council (GWPC)

Corix Utilities Texas

Baker Botts, LLP

Kelly Hart & Hallman, LLP

Harris County

Brazos River Authority (BRA)

## MEETING HANDOUTS

1. Agenda for Texas Groundwater Protection Committee meeting on July 12, 2023
2. Record for Texas Groundwater Protection Committee meeting on April 19, 2023
3. Summary of Texas Groundwater Protection Committee (TGPC) Groundwater Issues (GWI) Subcommittee Meeting, June 14, 2023
4. Summary of Texas Groundwater Protection Committee (TGPC) Public Outreach and Education (POE) Subcommittee Meeting, June 14, 2023
5. TGPC GWI Subcommittee *Fiscal Year 2024 – 2025 Activity Plan*
6. TGPC GWI Subcommittee *Charge*
7. Texas Alliance of Groundwater Districts 88th Legislative Session Wrap-Up
8. TCEQ Rules Update, 07/12/2023
9. *Joint Groundwater Monitoring and Contamination Report – 2022* (SFR-56/22, May 2023), <https://www.tceq.texas.gov/groundwater/groundwater-planning-assessment/sfr-056-joint-groundwater-monitoring-contamination-report>
10. 2023 Water-related Conferences in Texas, July 2023

## MEETING RECORD OF JULY 12, 2023

### 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 1:33 PM CDT and called the roll of TGPC members. The designated representative or alternate from TWDB, the Texas Alliance of Groundwater Districts (TAGD), and UTBEG were not present at the meeting.

### 3. SUBCOMMITTEE REPORTS

#### Groundwater Issues

Kathy McCormack (TCEQ) reported that the TGPC GWI Subcommittee last met via videoconference on June 14, 2023, and 11 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:

- TCEQ had begun cooperative monitoring with TWDB and had performed immunoassay (IA) screening of 55 samples for atrazine and 2,4-D with no detects above quantitation limits.
- On June 5 – 8, 2023, TCEQ conducted ongoing monitoring of Public Water System (PWS) wells in the Panhandle that had prior high atrazine detects; 14 samples were IA screened for atrazine with a high detect of 0.12 ppb; eight of the 14 samples were also submitted to the DSHS Environmental Sciences Laboratory for U.S. Environmental Protection Agency (EPA) Method 525.2 analysis (which analyzes for over two dozen pesticides, including atrazine).
- United States Geological Survey (USGS) data was recently checked and downloaded, but Alan Cherepon (TCEQ) was waiting for additional sample results before entering new data into the TCEQ Interagency Pesticide Database (IPD).

- A table-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 16 – 17, 2023.
- The revised draft TCEQ Quality Assurance Project Plan (QAPP) for Fiscal Year (FY) 2024 had been submitted for internal review and it was in the process of being approved.
- The Region 6 U.S. EPA/States/Tribes Pesticide meeting for Spring 2023 was held in Oklahoma as a hybrid meeting on May 16 – 17, 2023.

The current TGPC Publications Status Report (also available on the TGPC GWI Subcommittee webpage) was reviewed with the following highlight:

- *Joint Groundwater Monitoring and Contamination Report – 2022 (“Joint Report”, SFR-056)*
  - The 2022 *Joint Report* was published on May 31, 2023.
  - The report was available at <https://tgpc.texas.gov/tgpc-publications/> and hard copies were available upon request.

The following current groundwater issues were discussed:

- Oil and Gas Produced Water;
- Emerging Contaminants;
- Aquifer Storage and Recovery (ASR);
- Abandoned Water Wells;
- Brackish Groundwater; and,
- Evapotranspiration Networks.

As required by the GWI Subcommittee’s current *Charge* ([https://tgpc.texas.gov/wp-content/themes/responsive/subcommittees/gwissues/GWI\\_SubComm\\_Charge10Jul2019.pdf](https://tgpc.texas.gov/wp-content/themes/responsive/subcommittees/gwissues/GWI_SubComm_Charge10Jul2019.pdf)), a final draft of the *TGPC GWI Subcommittee Fiscal Year 2024 – 2025 Activity Plan* was reviewed and approved, and it would be presented to the TGPC for approval at their next meeting.

As required by the GWI Subcommittee’s current *Activity Plan* ([https://tgpc.texas.gov/gwissues/activity\\_plans/TGPC\\_GWI\\_FY2022\\_2023\\_ActivityPlan\\_14Jul2021.pdf](https://tgpc.texas.gov/gwissues/activity_plans/TGPC_GWI_FY2022_2023_ActivityPlan_14Jul2021.pdf)), the TGPC GWI Subcommittee *Charge* was presented for its annual review and discussion. Chris Heiligenstein (RRC) had agreed to continue as Co-Chair for the next fiscal year, but due to some website changes at TCEQ over the past few years, there were two broken links in the current *Charge* which had been updated in the draft *Charge*. The GWI Subcommittee members approved the draft *Charge*, and it would be presented to the TGPC for approval at their next meeting.

The final draft of the TGPC Groundwater Quality Monitoring Survey, which would collect information about the active groundwater quality monitoring programs in Texas and their associated datasets, was reviewed and approved. The survey would be on the TGPC website until 5:00 PM CDT on July 28, 2023, and the survey results would be posted on the TWDB website.

Margaret Willis (DSHS) reported that they expected to present the initial draft of the *Children’s Health and Groundwater Quality in Private Water Wells in Child Care Operations in Texas* white paper at the next meeting.

The next TGPC GWI Subcommittee meeting was scheduled for September 13, 2023.

#### Public Outreach and Education

Peggy Hunka (TCEQ) reported that the TGPC POE Subcommittee last met via videoconference on June 14, 2023, and eight 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 there were seven screening events.
- TGPC Exhibit Booth
  - The TCEQ Environmental Trade Fair held in Austin on May 16 – 17, 2023, with approximately 515 visitors stopping by the TGPC exhibit counter.

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 2,434 samples or attendees at TWON events since May 2021.

Peggy Hunka (TCEQ) reviewed the Google Analytics activity report on the TGPC website.

The following TGPC *Groundwater Educational Outreach Plan* topic update was provided:

- Abandoned Wells
  - David Gunn (TDLR) reported on the abandoned water wells bill that was introduced in the recent legislative session.

The draft Frequently Asked Questions (FAQs) titled *How Is Pesticide Contamination of Private Water Wells Prevented ?* and *What Did TCEQ’s Monitoring Program in Urban Areas Find in the Groundwater ?* were reviewed. It was decided that, after correcting the broken links and editing for “plain language”, these FAQs were ready to be presented to the TGPC.

The next TGPC POE Subcommittee meeting was scheduled for September 13, 2023.

#### 4. PRESENTATION

There was no presentation at the meeting.

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 – 2022*

Cindy Hooper (TCEQ) reported that the *Joint Groundwater Monitoring and Contamination Report – 2022* had been published online (<https://www.tceq.texas.gov/groundwater/groundwater-planning-assessment/sfr-056-joint-groundwater-monitoring-contamination-report>), along with an Excel version of the case lists, and a few hard copies were also available. The internal annual publication goal of June 1st had been met, and TGPC members were thanked for their cooperation and support. Shortly after the publication of the report, TCEQ staff mailed a letter providing notice of availability of the *2022 Joint Report* to county judges, county health officials, and Groundwater Conservation District (GCD) managers.

The published version followed the previously-approved Table of Contents with two minor updates:

- In Section I (i.e., the Summary section), under the “Notification to Local Officials and Public Information” heading, nothing substantive had been changed, but the text had been reorganized for clarity which resulted in the adjustment of two sub-headings; and,
- In Section II (i.e., the Groundwater Protection section), two new paragraphs had been added under the “Texas Groundwater Protection Committee” heading to help characterize the activities conducted by TGPC – one of the added paragraphs explained the role of TGPC Subcommittees, and the other described the biennial *TGPC Report to the Legislature*.

##### *TGPC GWI Subcommittee Fiscal Year 2024 – 2025 Activity Plan*

Kathy McCormack (TCEQ) presented the TGPC GWI Subcommittee *Fiscal Year 2024 – 2025 Activity Plan*. The GWI Subcommittee *Charge* required them to develop and follow a biennial *Activity Plan*, and the update was discussed during their last three meetings. The new *Activity Plan* 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. James Harcourt (RRC) moved, David Gunn (TDLR) seconded, and all remaining TGPC members approved the TGPC GWI Subcommittee *Fiscal Year 2024 – 2025 Activity Plan*. The new *Activity Plan* would be posted on the TGPC website.

## TGPC GWI Subcommittee *Charge*

Kathy McCormack (TCEQ) presented an updated TGPC GWI Subcommittee *Charge*. The GWI Subcommittee *Activity Plan* required them to review their *Charge* at the Fourth Quarter meeting of each fiscal year. In the four years since their *Charge* was last updated, there had been some website changes at TCEQ, and there were now two broken links in the current *Charge*. Those two links had been corrected in the updated *Charge*. David Villarreal (TDA) moved, James Harcourt (RRC) seconded, and all remaining TGPC members approved the updated TGPC GWI Subcommittee *Charge*. The updated *Charge* would be posted on the TGPC website.

## *What Did TCEQ's Monitoring Program in Urban Areas Find in the Groundwater ?* Frequently Asked Question (FAQ)

After the final draft of the *What Did TCEQ's Monitoring Program in Urban Areas Find in the Groundwater ?* FAQ was approved by the members at the last TGPC POE Subcommittee meeting, additional substantive feedback was received, so the updated file would be brought back to their next Subcommittee meeting.

## *How Is Pesticide Contamination of Private Water Wells Prevented ?* FAQ

After the final draft of the *How Is Pesticide Contamination of Private Water Wells Prevented ?* FAQ was approved by the members at the last TGPC POE Subcommittee meeting, additional substantive feedback was received, so the updated file would be brought back to their next Subcommittee meeting.

## Agency Legislative Roundtable Discussion

Committee members discussed groundwater legislation passed by the 88th Legislature and its effect on their respective agencies.

Robert Bradley (TWDB) reported that they had tracked a number of bills affecting his agency:

- Senate Bill (SB) 2196 (passed)
  - Required UTBEG to identify and map suitable areas for aggregate production operations; may cooperate with TWDB and other entities.
  - No TWDB implementation.
- SB 1186 (passed)
  - Related to brine mining regulation by RRC.
  - No TWDB implementation.
- House Bill (HB) 3059 (passed)
  - Related to GCD export fees; fees could be used for mitigation, alternative supplies, and monitoring, data collection, and aquifer science.
  - No TWDB implementation.

- HB 3278 (passed)
  - Related to public comments in joint planning of Desired Future Conditions (DFCs) in Groundwater Management Areas (GMAs).
  - TWDB would work to update guidance documents and communicate new requirements to GMAs, and might post public comment period summaries on their website if requested by GMA members.
- SB 156 (did not pass)
  - Started out relating to GCD recovery of attorney's fees, GCD rulemaking petitions, and management plan amendments to incorporate DFCs and Managed Available Groundwater (MAG) values.
  - Eventually included HB 3059, HB 4444 (definitions of conservation and waste), HB 4532 (modeled sustained groundwater pumping), HB 5052 (GCD permit considerations), and HB 5302 (TCEQ GCD petitions for inquiry).

Robert Bradley (TWDB) also reported on other bills impacting his agency:

- SB 28 and Senate Joint Resolution (SJR) 75 (passed; pending voter approval on November 7, 2023; effective January 1, 2024, if approved by voters)
  - Texas Water Fund
    - § SB 30 authorized \$1 billion in supplemental appropriations for the Texas Water Fund, contingent on enactment of SB 28 and passage and adoption by election of SJR 75.
    - § TWDB could only use the Texas Water Fund to transfer money to a specific list of accounts, including the New Water Supply for Texas Fund and a new statewide public awareness account.
    - § Used for:
      - Water infrastructure in rural areas;
      - Projects for which all required state or federal permitting had been substantially completed;
      - Statewide water public awareness program;
      - Water conservation strategies; and,
      - Water loss mitigation projects.
- HB 1 and SB 30
  - TWDB exceptional item requests included:
    - § Data enhancement and modernization package
      - Water Data for Texas – rebuild and integrate online data viewers
        - Received half of their funding/staffing request.
      - Groundwater Monitoring – expand springs monitoring program, water quality lab budget, and recorder program
        - Received half of their funding/staffing request.
      - TexMesonet – full build out of network
        - Received statutory authority in HB 2759 for the program.
- HB 1565 – TWDB Sunset bill
  - Uneventful for groundwater, however, it allowed for Regional Water Planning Groups (RWPGs) to plan for drought conditions worse than the drought of record and provide performance goals and metrics for project schedules.

- HB 2489 – Renamed the Texas Natural Resources Information System (TNRIS) to the Texas Geographic Information Office (TXGIO).
- HB 2388 – Removed the requirement that Memoranda of Understanding be adopted in TWDB Rules.

Kelly Mills (TCEQ) added that the TGPC had a recommendation related to the establishment of a statewide evapotranspiration network in its recent legislative report (i.e., similar to the TexMesonet authorized in HB 2759).

James Harcourt (RRC) reported that several bills passed which affected his agency:

- SB 786 related to the regulation of closed-loop geothermal injection wells by RRC; however, a rule, standard, or form adopted by TCEQ related to the regulation of these wells that they had already permitted was a rule, standard, or form of RRC and remained in effect until and unless altered by RRC, and that program was also transferred to RRC.
- SB 502 related to the treatment, recycling for beneficial use, or disposal of drill cuttings; this impacted their Rule 8 (i.e., for unconfined groundwater and surface water protection) related to commercial recycling and disposal regulations
- HB 4256 related to the establishment of a grant program to plug leaking water wells in certain counties; these were P-13 wells (i.e., an oil or gas well that is converted to a water well); \$8.5 million was transferred from the state's Rainy Day Fund and TCEQ would administer the program.
- SB 1047 related to funding and activities of the Texas Produced Water Consortium; they were required to select a pilot project for consideration and implementation by October 1, 2023, and then submit a report to the legislature on the status of this pilot project and any recommendations by October 1, 2024.
- SB 1186 related to the RRC regulation of brine mining.

Kelly Mills (TCEQ) added that HB 4256 amended Texas Water Code (TWC) Chapter 28 by adding Subchapter E, Leaking Water Wells Grant Program. This program applied specifically to Pecos County and would be managed by TCEQ with the objective of sealing or plugging leaking water wells. The program involved TCEQ providing grants to the Middle Pecos GCD to support eligible projects aimed at covering the expenses associated with plugging these wells. The bill provided specific requirements for projects to be eligible to receive the grant and required that TCEQ coordinate with RRC. TCEQ received funding for the information technology portion of the program, as well as two staff positions in FY 2025. The TGPC had a recommendation related to the establishment of a statewide abandoned water well plugging fund in its recent legislative report.

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

David Villarreal (TDA) reported that no recent groundwater-related bills were passed which affected his agency. However, some bills passed (e.g., HB 692 related to the

authorization for certain land applications and disposal of dairy waste) which had TDA-related implications for groundwater.

T.J. Helton (TSSWCB) reported that no recent groundwater-related bills were passed which affected his agency.

Kelly Mills (TCEQ) reported that Leah Martinsson (TAGD) was not able to attend the meeting, but she had provided their 88th Legislative Session Wrap-Up that was available in the handouts. This summary would be published in a future issue of the *Texas Water Journal*. TAGD had tracked six bills that passed which sought to make substantive changes to TWC Chapter 36 or otherwise implicated groundwater management:

- HB 1971 related to the procedures for acting on a permit or permit amendment application by a GCD and the disqualification of board members of GCDs;
- HB 2443 related to the authority of certain persons to petition a groundwater conservation district to change certain rules;
- HB 3059 related to the export fee charged for the transfer of groundwater from a GCD;
- HB 3278 related to the joint planning of DFCs in GMAs;
- SB 1746 related to an exemption from the requirement to obtain a permit from a GCD for certain temporary water wells; and,
- SB 2440 related to a requirement that certain plats for the subdivision of land include evidence of groundwater supply.

The TAGD summary included several other bills relevant to groundwater which did not directly affect TWC Chapter 36:

- HB 2759 related to the establishment of the TexMesonet Hydrometeorology Network and creation of the TexMesonet Advisory Committee;
- SB 1047 related to funding and activities of the Texas Produced Water Consortium; and,
- HB 4256 related to the establishment of a grant program to plug leaking water wells in certain counties.

The TAGD summary also listed several groundwater-related bills that did not pass:

- SB 156 related to the regulation and management of the use of groundwater and regulation of GCDs;
- HB 4532 related to the consideration of modeled sustained groundwater pumping in the adoption of DFCs in GCDs;
- HB 5052 related to the criteria considered by GCDs before granting or denying a permit;
- HB 2735 related to security required before filing suit against a GCD;
- HB 4444 related to the management of groundwater by certain districts and TCEQ; and,
- HB 5302 related to the review of the duties of a GCD by TCEQ.

Finally, the TAGD summary listed several bills affecting government operations that passed and were relevant to GCDs:

- HB 3440 related to the governmental bodies required to post on the Internet agendas for meetings under the open meetings law;
- SB 232 related to the removal from office of an officer of a political subdivision for commission of certain criminal offenses;
- SB 271 related to state agency and local government security incident procedures;
- SB 1893 related to prohibiting the use of certain social media applications and services on devices owned or leased by governmental entities; and,
- HB 3033 related to the public information law.

Rosario Sanchez (AgriLife Research) reported that no recent groundwater-related bills were passed which affected her organization.

John Malito (UTBEG) reported that no recent groundwater-related bills were passed which affected his organization.

David Gunn (TDLR) reported that several bills passed which affected or were of interest to his agency:

- SB 786 related to the regulation of closed-loop geothermal injection wells by RRC;
- HB 3744 related to the regulation of water well drillers and water well pump installers which allowed TDLR to issue licenses for two years (vs. one year); and,
- HB 4256 related to the establishment of a grant program to plug leaking water wells in certain counties.

In addition to the previously-mentioned HB 2759 and HB 4256, Kelly Mills (TCEQ) reported that several other bills passed which also affected his agency:

- HB 1 is Texas' biennial appropriations bill that funds the Texas government for two years. The budget provided funding for TCEQ employee salary increases, website enhancements, access to public records, additional staff for TCEQ's dam safety team, updates to compliance history ratings, and maintenance and security improvements for TCEQ facilities. The law also included funds to implement new laws, such as the Sunset legislation (28 additional staff) and legislation establishing a grant program to plug leaking water wells.
- HB 2460 required TCEQ to develop updated Water Availability Models (WAMs) for the Guadalupe, Lavaca, Nueces, San Antonio, San Jacinto, and Trinity River Basins by December 1, 2026, if the legislature appropriated money for this purpose. The biennial appropriations bill did not include funding for these items.
- HB 4856 added the provision that treated fluid oil and gas waste may be injected for the purpose of aquifer recharge. An aquifer recharge project involves the intentional recharge of an aquifer by injecting water into a geologic formation. In addition to water, this bill allowed for the injection of treated fluid oil and gas waste, which includes produced water from oil and gas production operations.
- SB 1397 was TCEQ's Sunset bill. The legislation extended the agency until September 1, 2035, and made administrative updates to TCEQ programs. First, the law required TCEQ to conduct outreach and educate the public on the permitting process and expanded the public's access to permit application materials by posting them online. For concrete batch plants, the bill extended the public comment period

and the opportunity to request a contested case hearing until 36 hours after the public meeting. Second, the law directed TCEQ to alter certain compliance and enforcement practices. Specifically, SB 1397 required the agency to evaluate minor and moderate repeat violations for compliance history review, raised the maximum penalty for violations with an actual release or diversion to \$40,000 per day, and established the Enforcement Diversion Program to help government and small businesses comply with TCEQ requirements. Third, SB 1397 required TCEQ to update environmental flow standards, which are the water quality metrics necessary to sustain aquatic life, for the state's bays and basins. Finally, the law codified the permit for concrete plants for public works projects and a requirement for TCEQ-regulated entities with temporary permits to notify the agency of their operation status annually.

- SB 2440 amended Local Government Code Chapters 212.0101 and 232.0032. According to the amendments, a municipal and county authorities must require certification that adequate groundwater is available for a proposed subdivision if groundwater under that land is to be the source of water supply in the plat application and approval process. The bill introduced a provision stating that a municipal authority or commissioners court has the option to exempt a plat application for specific conditions outlined in the bill.

David Villarreal (TDA) added that HB 3259 passed which allowed TWDB and the Water Conservation Advisory Council to meet virtually (vs. in-person).

#### Set Future Meeting Date

The next TGPC quarterly meeting was scheduled for October 18, 2023, 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 four times and reviewed eight groundwater contamination cases, and 22 notices had been sent to the potentially affected private water well owners and users.

##### Groundwater Management Areas

Robert Bradley (TWDB) reported that GMAs were meeting again in preparation for the next cycle of the regional water planning process and working with their consultants to complete their DFCs.

## Regional Water Planning

Robert Bradley (TWDB) reported that their loan reviews were starting to see some issues with regional water planning group project waiver requests for the State Water Plan and the MAG values for those projects.

## Groundwater Availability Modeling

Robert Bradley (TWDB) reported on the following modeling efforts:

- They had solicited project ideas from stakeholders in June 2023; staff were reviewing the responses, ranking projects, and planned to have projects selected by August 2023;
- The first stakeholder meeting for the southern portion of the Trinity Aquifer Groundwater Availability Model (GAM) update was scheduled for July 13, 2023; and,
- The final stakeholder meeting for the Edwards (Balcones Fault Zone) Aquifer GAM update was scheduled for August 3, 2023.

James Harcourt (RRC) announced that he was asked to communicate with someone at TCEQ about “no harm” letters for Class 1 wells, and Kelly Mills (TCEQ) offered to provide him with contact information after the meeting.

## Nonpoint Source Pollution

T.J. Helton (TSSWCB) reported that they had a draft success story for the Lower Nueces River which was under U.S. EPA review, and that they were working with TCEQ on the draft *Nonpoint Source Pollution Management in Texas 2023 Annual Report* which was due to U.S. EPA by January 2024.

Kelly Mills (TCEQ) added that on June 1, 2023, TCEQ had posted its Request for Grant Applications (RFGA) for nonpoint source projects under the Clean Water Act Section 319(h) Grant Program for Federal FY 2024. The Proposal due date was July 14, 2023, and their Nonpoint Source Program Grants webpage (<https://www.tceq.texas.gov/waterquality/nonpoint-source/grants/grant-pgm.html>) had more details on this grant program, applicants and activities eligible for funding, and other supporting information.

## National Groundwater Information

Kelly Mills (TCEQ) reported that the Ground Water Protection Council (GWPC) had recently published their *Produced Water Report: 2023 Regulations & Practices Updates* (<https://www.gwpc.org/wp-content/uploads/2023/06/2023-Produced-Water-Report-Update-FINAL-REPORT.pdf>). Changes in the produced water marketplace since their initial 2019 report were highlighted, including the most significant regulatory, operational, and technological advancements.

## 7. ANNOUNCEMENTS

### Rules Update

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

- 2023-125-290-OW – SB 3 and Staff-Initiated Revisions and Efficiencies;
- 2022-015-338-CE – SB 900: Performance Standards for Safety at Storage Vessels Program;
- 2023-035-334-WS – Rule Review of Chapter 334, Underground and Aboveground Storage Tanks; and,
- 2023-028-218-OW – Rule Review of Chapter 218, Brine Evaporation Pits.

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

### New Publications

Kelly Mills (TCEQ) reported on the following TCEQ publication which was available on their website:

- *Joint Groundwater Monitoring and Contamination Report, 2022* (SFR-56/22, May 2023), <https://www.tceq.texas.gov/downloads/groundwater/publications/joint-groundwater-monitoring-and-contamination-report-2022-sfr-56-22.pdf>.

### Upcoming Conferences

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

Rosario Sanchez (AgriLife Research) announced that the World Water Conference would be held in Beijing, China in the fall of 2023.

Kelly Mills (TCEQ) announced that the TGPC had a special survey underway regarding groundwater quality monitoring programs for wells and springs and all were welcome to participate. The link to the online survey was on the TGPC homepage, and the submission deadline was July 28, 2023.

## 8. PUBLIC COMMENT

Ted Boriack provided public comment regarding groundwater pumping in Gonzales County and water leak volumes. Kelly Mills (TCEQ) noted that a TGPC member may contact him after the meeting.

9. ADJOURN

Kelly Mills (TCEQ) adjourned the meeting at approximately 2:35 PM CDT.